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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

December 4, 2012

VIA OVERNIGHT DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
400 North Street
Harrisburg, PA 17105-3265

**Re: Petition of PECO Energy Company for Approval of Its Act 129 Phase II Energy
Efficiency and Conservation Plan
Docket No. M-2012-2333992**

Dear Secretary Chiavetta:

On behalf of all the parties in the above-referenced proceeding, and pursuant to the November 30, 2012 Second Prehearing Order issued by Administrative Law Judge Dennis J. Buckley, enclosed please find a **Joint Petition to Modify Procedural Schedule**. Copies of the Joint Petition have been served as indicated on the enclosed Certificate of Service.

Kindly return a time-stamped copy of this letter in the self-addressed envelope that is enclosed.

Please do not hesitate to contact me should you have any questions regarding this filing.

Very truly yours,



Jack R. Garfinkle

Enclosures

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF ITS :
ACT 129 PHASE II ENERGY : **DOCKET NO. M-2012-2333992**
EFFICIENCY AND CONSERVATION :
PLAN :

**JOINT PETITION
TO MODIFY PROCEDURAL SCHEDULE**

I. INTRODUCTION

PECO Energy Company (“PECO” or the “Company”); the Office of Consumer Advocate (“OCA”); the Office of Small Business Advocate (“OSBA”); the City of Philadelphia (the “City”); the Philadelphia Area Industrial Energy Users Group (“PAIEUG”); Wal-Mart Stores East, LP and Sam’s East, Inc. (collectively, “Walmart”); Citizens for Pennsylvania’s Future (“PennFuture”); and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) (collectively, the “Joint Petitioners”), by their respective counsel, submit this Joint Petition To Modify Procedural Schedule and request that Administrative Law Judge Dennis J. Buckley (the “ALJ”) approve the proposed schedule without modification. In support of this Joint Petition, the Joint Petitioners represent as follows:

I. BACKGROUND

1. On October 15, 2008, then Governor Edward G. Rendell signed Act 129 into law, which added Section 2806.1 to the Pennsylvania Public Utility Code. Act 129 required Pennsylvania electric distribution companies (“EDCs”) to file energy efficiency and conservation

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(“EE&C”) plans by July 1, 2009 containing the plan elements specified in Section 2806.1(b) (“Phase I EE&C Program”).¹ 66 Pa.C.S. § 2806.1(b).

2. Act 129 also required the Pennsylvania Public Utility Commission (the “Commission”), by November 30, 2013, to evaluate the costs and benefits of the Phase I EE&C Program and, if the benefits of the Program were found to exceed its costs, to adopt “additional required incremental reductions in consumption” and “additional incremental requirements for reduction in peak demand.” 66 Pa.C.S. §§ 2806.1(c)(3) and (d)(2).

3. On August 3, 2012, the Commission entered the *Phase II Implementation Order*, tentatively adopting EDC-specific targets for reducing energy consumption for the next EE&C Program term (June 1, 2013-May 31, 2016). See *Energy Efficiency and Conservation Program*, Docket Nos. M-2008-2069887 and M-2012-2289411 (Order entered August 3, 2012).

4. The *Phase II Implementation Order* established a deadline of November 1, 2012 for EDCs to file their Phase II EE&C plans and stated that the Commission would approve or reject all or part of each plan at a public meeting within 120 days of the EDC’s filing (February 28, 2012). *Phase II Implementation Order*, p. 63.

5. The Order also adopted the following plan approval process:

The Commission will publish a notice of each proposed plan in the Pennsylvania Bulletin within 20 days of its filing. In addition, the Commission will post each proposed plan on its website. An answer along with comments and recommendations are to be filed within 20 days of the publication of the notice in the Pennsylvania Bulletin. Each plan will be referred to an Administrative Law Judge (ALJ), who will establish a discovery schedule and hold a public input hearing(s) in the EDC’s service territory upon request of any party, as well as an evidentiary hearing(s) on issues related to the EDC’s EE&C plan. Such hearings are to be completed on or before the 65th day after a plan is filed, after which, the parties will

¹ 66 Pa.C.S. § 2806.1(l) exempts EDCs with fewer than 100,000 customers from this requirement.

have 10 days to file briefs. The EDC will then have 10 days to submit a revised plan or reply comments or both. The ALJ will then certify the record to the Commission.

Phase II Implementation Order, pp. 61-62.

6. On November 1, 2012, the Commission issued a Secretarial Letter notifying EDCs that it would accept Phase II EE&C plans on either November 1, 2012 or November 15, 2012 due to Hurricane Sandy and the need for EDC personnel to focus on storm response duties.

7. Despite this filing extension, PECO petitioned the Commission on November 1, 2012, for approval of its Phase II EE&C Plan (“Phase II Plan”). In that Petition, the Company proposed a schedule that was consistent with the process and deadlines established by the *Phase II Implementation Order*. In that schedule, the Company estimated a Pennsylvania Bulletin publication date of November 17, 2012.

8. On November 21, 2012, the ALJ issued a Prehearing Conference Order, which provided a proposed schedule for the proceeding and instructed parties to be prepared to discuss the schedule at the Initial Prehearing Conference.

9. On November 21, 2012, PAIEUG filed a Petition to Intervene and Answer. On November 27, 2012, the City filed a Petition to Intervene. On November 28, 2012, Walmart filed a Petition to Intervene and the OCA filed a Notice of Intervention and Public Statement. On November 29, 2012, PennFuture filed a Notice of Intervention and Answer. On December 3, 2012, CAUSE-PA filed a Petition to Intervene.

10. An Initial Prehearing Conference was held on November 30, 2012, where schedule modifications were discussed in light of the fact that a notice had not yet been published in the Pennsylvania Bulletin. On that same day, the ALJ issued a Second Prehearing Order confirming certain agreements made by the parties and directing the parties to: (1) file a

Joint Petition for Modification of Procedural Schedule setting forth a proposed schedule that preserves the original January 28, 2013 date for certification of the record; and (2) notify the ALJ whether a public input hearing is needed in this case.

11. On December 1, 2012, a notice was published in the Pennsylvania Bulletin regarding the Company's Phase II Plan filing.

II. PROPOSED MODIFICATION TO PROCEDURAL SCHEDULE

12. As noted above, the *Phase II Implementation Order* provides that a hearing must be completed on or before the sixty-fifth day after a plan is filed. Because notice publication occurred on December 1, 2012, thirty days after the Company filed its Phase II Plan, the parties will have a very compressed timeframe within which to complete all discovery, comments and testimony.

13. To ensure that all parties are given adequate time to meaningfully participate in this proceeding, and consistent with the Second Prehearing Order, the Joint Petitioners propose the following procedural schedule which maintains the February 28, 2013 Commission order date, but moves the hearing beyond sixty-five days after the Plan filing:

December 20, 2012	Other Party Direct Testimony
January 4, 2013	Rebuttal Testimony
January 8, 2013	Evidentiary Hearing
January 15, 2013	Briefs
January 24, 2013	PECO Reply Comments/Revised Plan
January 28, 2013	Certification of the Record
February 28, 2013	Commission Order

14. Should the Commission decide that the hearing date for this proceeding cannot be moved outside of the sixty-five day time period provided in the *Phase II Implementation Order*, the Joint Petitioners propose the following alternative schedule:

December 20, 2012	Other Party Direct Testimony
January 4, 2013	Oral Rebuttal/Evidentiary Hearing
January 14, 2013	Briefs
January 24, 2013	PECO Reply Comments/Revised Plan
January 28, 2013	Certification of the Record
February 28, 2013	Commission Order

15. The Joint Petitioners agree that a public input hearing is not necessary in this proceeding and have advised the ALJ that they will not be requesting such a hearing.

III. CONCLUSION

WHEREFORE, the Joint Petitioners, by their respective counsel, respectfully request that the Commission modify the procedural schedule in this proceeding.

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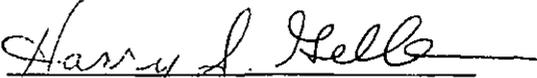
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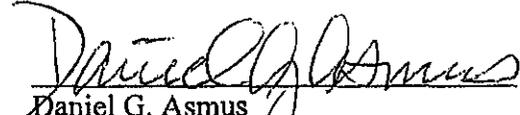
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EFFICIENCY AND CONSERVATION :
PLAN :**

CERTIFICATE OF SERVICE

I hereby certify that I have this date served true and correct copies of the **Joint Petition to Modify Procedural Schedule** upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

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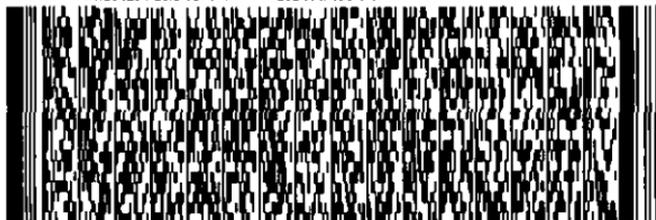
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