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December 12, 2011

**VIA HAND DELIVERY**


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

Re: Joint Petition for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans of Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company, Docket Nos. M-2009-2092222, M-2009-2112952, M-2009-2112956

Dear Secretary Chiavetta:

I have enclosed for filing the original and nine (9) copies of an Exception Seeking Clarification on Behalf of Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company in the above-captioned matter. Copies have been served on all parties as indicated in the attached certificate of service.

Very truly yours,

  
John F. Povilaitis

JFP/kra  
Enclosure

cc: The Honorable Dennis J. Buckley (via Hand Delivery)  
Cheryl Walker Davis, Director, Office of Special Assistants (via Hand Delivery)  
Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Joint Petition for Consolidation of</b>	<b>:</b>	
<b>Proceedings and Approval of Energy</b>	<b>:</b>	<b>Docket Nos. M-2009-2092222</b>
<b>Efficiency and Conservation Plans</b>	<b>:</b>	<b>M-2009-2112952</b>
<b>of Metropolitan Edison Company,</b>	<b>:</b>	<b>M-2009-2112956</b>
<b>Pennsylvania Electric Company, and</b>	<b>:</b>	
<b>Pennsylvania Power Company</b>	<b>:</b>	

**EXCEPTION SEEKING CLARIFICATION**  
**ON BEHALF OF**  
**METROPOLITAN EDISON COMPANY,**  
**PENNSYLVANIA ELECTRIC COMPANY AND**  
**PENNSYLVANIA POWER COMPANY**

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**Kathy J. Kolich, PA ID No. 92203**  
**Carrie M. Dunn, (admitted pro hac vice)**  
**FirstEnergy Service Company**  
**76 South Main Street**  
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**John F. Povilaitis, PA ID No. 28944**  
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**17 North Second Street, 15th Floor**  
**Harrisburg, PA 17101-1503**

**Attorneys for Metropolitan Edison**  
**Company, Pennsylvania Electric**  
**Company, and**  
**Pennsylvania Power Company**

**Dated: December 12, 2011**

## I. INTRODUCTION

Metropolitan Edison, Pennsylvania Electric Company and Pennsylvania Power Company (collectively, "Companies") file the following single Exception, seeking clarification of the Recommended Decision ("RD") of Administrative Law Judge ("ALJ") Dennis J. Buckley issued December 5, 2011, pursuant to Section 5.533 of the Pennsylvania Public Utility Commission's ("Commission") Regulations, 52 Pa. Code § 5.533. For purposes of this filing, the Companies adopt the procedural history and findings of fact set forth in the RD.

## II. EXCEPTION

In the Initial Decision, the ALJ recommends that the Companies "continue to use the Large [Commercial and Industrial] C&I stakeholder process to ensure that future changes [to incentive ranges] are applied prospectively and in an even-handed manner."<sup>1</sup> (RD at 25.) The Companies do not oppose the above concept, but note for the Commission that the stakeholder group includes additional parties beyond the Large C&I class and request that the Commission clarify in its final order that the above directive should be implemented in the context of the Companies' *Energy Efficiency and Conservation* stakeholder process, and not a new and separate stakeholder process.

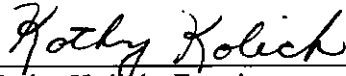
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<sup>1</sup> It is unclear as to whether the ALJ intended that all proposed changes to the Companies' Energy Efficiency and Conservation ("EE&C") Plans be vetted through the stakeholder process, or simply those proposing changes to incentives within the approved ranges. Given the context in which the directive appears, the Companies assume the latter was intended. However, regardless, the Companies fully intend to utilize the stakeholder process to keep interested parties apprised of any potential modifications to the plans and will follow the process outlined by the Commission in its June 10, 2011 Order regarding energy efficiency and conservation program plan changes. *Energy Efficiency and Conservation Program*, Docket No. M-2008-2069887 (June 10, 2011) at 19-20 ("Minor EE&C Plan changes to be reviewed under this expedited review process shall be defined as follows:...[a]dding a measure or changing the conditions of a measure, such as its eligibility requirements, technical description, *rebate structure or amount*...so long as the change does not increase the overall costs to that customer class.")(emphasis added).

**III. CONCLUSION AND RELIEF REQUESTED**

Through this Exception, the Companies respectfully request that the Commission adopt the above-described clarification in its final order at this docket.

Respectfully submitted,



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Dated: December 12, 2011

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Joint Petition for Consolidation of</b>	<b>:</b>	
<b>Proceedings and Approval of Energy</b>	<b>:</b>	<b>Docket Nos. M-2009-209222</b>
<b>Efficiency and Conservation Plans</b>	<b>:</b>	<b>M-2009-2112952</b>
<b>of Metropolitan Edison Company,</b>	<b>:</b>	<b>M-2009-2112956</b>
<b>Pennsylvania Electric Company, and</b>	<b>:</b>	
<b>Pennsylvania Power Company</b>	<b>:</b>	

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 12<sup>th</sup> day of December, 2011, served a true copy of the Exception Seeking Clarification of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company upon the parties set forth below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), both by electronic mail and U. S. First Class Mail, postage prepaid.

  
\_\_\_\_\_  
John F. Povilaitis, Esquire

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