**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company :

for Amendment of the Orders Approving :

Energy Efficiency and Conservation Plans : Docket No. M-2009-2093218

and Petition for Approval of its Amended :

Energy Efficiency and Conservation Plans :

**PREHEARING CONFERENCE ORDER**

In accordance with the provisions of 66 Pa.C.S.A. § 333 and 52 Pa.Code §§ 5.221-5.224, an Initial Prehearing Conference has been scheduled in the above-captioned case in Hearing Room 2, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania, on Wednesday, December 21, 2011, at 10:00 a.m.

On August 9, 2011, West Penn Power Company filed a *Petition for Amendment of the Orders Approving Energy Efficiency and Conservation Plans and Petition for Approval of its Amended Energy Efficiency and Conservation Plans* at Docket No. Docket No. M-2009-2093218. Subsequently, West Penn Power Industrial Intervenors (WPPII); Pennsylvania Communities Organizing for Change (PCOC); Pennsylvania State University (Penn State); the Office of Small Business Advocate (OSBA); and the Office of Consumer Advocate (OCA) filed Comments to the Petitions.

On October 28, 2011, the Commission issued an Interim Opinion and Order which referred several elements of the Petitions to the Office of Administrative Law Judge (OALJ) for expedited consideration and the preparation of a Recommended Decision.[[1]](#footnote-1) With respect to “Deletion of Program Measures,” the Commission deferred ruling on the deletion of the “dishwasher measure” and referred that provision to the OALJ for the development of an evidentiary record. Similarly, the Commission referred the following elements of the Petitions to the OALJ: (1) the Conservation Voltage Reduction (CVR) Program; (2) various proposed administrative changes, including approval to add new measures to programs as the measures are approved for inclusion in the Technical Reference Manual (TRM), and (3) a new budget, cost allocation and surcharge, all prompted by proposed EE&C Plan changes.[[2]](#footnote-2)

The Commission specifically stated in its October 28, 2011 Order: “As the proceedings before the OALJ are to be expedited, we caution the Parties against re-litigating issues that were previously decided by the Commission.” Further, the Commission stated in Ordering Paragraph 3 of that Order:

That all portions of the Amended Energy Efficiency and Conservation Plan, which was filed on August 9, 2011, by West Penn Power Company that are not expressly approved in this Interim Opinion and Order are referred to the Office of Administrative Law Judge for the scheduling of such proceedings as may be necessary and the issuance of a Recommended Decision on an expedited basis.

Interim Opinion and Order at 16.

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held at 10:00 a.m. on Wednesday, December 21, 2011, in Hearing Room 2, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania.

2. That pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number, business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list.

3. That on or before Tuesday, December 20, 2011, parties shall file and serve Initial Prehearing Conference memoranda which shall include:

a.) The information described in Paragraph 2, above.

b.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.

c.) A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.

4. That the issues in this proceeding are strictly confined to those specifically referred to the OALJ in the Commission’s October 28, 2011 Interim Opinion and Order at this docket.

5. That pursuant to 52 Pa.Code §§ 1.21-1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted Pro Hac Vice, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted Pro Hac Vice, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

6. That parties shall be prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive. Parties’ representatives shall be fully authorized to make commitments, both procedural and substantive, on behalf of their represented party.

7. That failure of a party to attend the Initial Prehearing Conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and to an order or ruling with respect thereto.

8. That the parties should discuss a proposed schedule for this proceeding in advance of the Prehearing Conference with a view to presenting that schedule for approval at the conference.

Date: December 15, 2011 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

**M-2009-2093218 – PETITION OF WEST PENN POWER COMPANY FOR AMENDMENT OF THE ORDERS APPROVING ENERGY EFFICIENCY AND CONSERVATION PLANS AND PETITION FOR APPROVAL OF ITS AMENDED ENERGY EFFICIENCY AND CONSERVATION PLANS**

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1. *Petition of West Penn Power Company for Amendment of the Orders Approving Energy Efficiency and Conservation Plans and Petition for Approval of its Amended Energy Efficiency and Conservation Plans*, Docket No. M-2009-2093218 (Interim Opinion and Order entered October 28, 2011). [↑](#footnote-ref-1)
2. West Penn proposes to increase costs allocated to the residential class by $608,000, the government sector by approximately $2.2 million and the large commercial and industrial sector by $8,000. West Penn also proposes to decrease the costs allocated to the small commercial and industrial class by $2.8 million. West Penn asserts that the average bill impacts from these changes range from -0.4% to +0.2%. West Penn explains and seeks approval of its new EE&C Surcharge and authorization to implement its revised rates. [↑](#footnote-ref-2)