

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of West Penn Power Company :  
for Amendment of the Orders :  
Approving Energy Efficiency and :  
Conservation Plans, and Petition for : Docket No. M-2009-2093218  
Approval of its Amended Energy :  
Efficiency and Conservation Plans :**

**PREHEARING MEMORANDUM  
OF THE BUREAU OF  
INVESTIGATION AND ENFORCEMENT**

**TO THE HONORABLE DENNIS J. BUCKLEY:**

In response to the Notice of Prehearing Conference issued by the Office of Administrative Law Judge (“OALJ”) and in accordance with Your Honor’s Prehearing Conference Order dated December 15, 2011, the Bureau of Investigation and Enforcement (“I&E”) hereby submits this Prehearing Memorandum. The I&E prosecutor assigned to this proceeding is Richard A. Kanaskie. Contact information is as follows:

By Mail: Richard A. Kanaskie  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

By e-mail: [rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## **I. BACKGROUND**

On August 9, 2011, West Penn Power Company (“West Penn” or “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 Program* (“EE&C Plan”) with the Pennsylvania Public Utility Commission (“Commission”).

On October 28, 2011, the Commission issued an Interim Opinion and Order identifying several elements of the Petitions that were to be addressed. These specific elements include the dishwasher measure, Conservation Voltage Reduction Program, Administrative Changes and Cost Allocation and Cost Recovery. Only these specific elements were referred to OALJ for the development of a record with expedited consideration to culminate in the issuance of a Recommended Decision (“RD”). The Administrative Law Judge (“ALJ”) assigned to oversee development of the record and the issuance of an RD is Dennis J. Buckley. A Prehearing Conference has been scheduled for December 21, 2011 at 10:00 a.m. This Prehearing Conference will be held in Hearing Room 2 of the Commonwealth Keystone Building in Harrisburg.

## **II. ISSUES**

Consistent with its review of West Penn’s original Energy Efficiency and Conservation Plan and, based upon a preliminary view of the amended filing, I&E will focus its review on the Company’s planned Cost Allocation and Cost Recovery.

Any issues raised by I&E will be supported by the direct and responsive testimonies of the I&E witness participating in this proceeding. However, there may be issues of Commission policy or legal interpretation that are not properly the subject of testimony; or there may be factual issues that are clear on the record and need not be supported by testimony. I&E reserves the right to dispense with testimony when, in its opinion, an issue can be adequately addressed in Brief.

### **III. WITNESSES**

It is currently expected that I&E may call the following witness without being limited thereto:

Scott Granger, Executive Policy Analyst<sup>1</sup>

The above listing is provided without analysis of the positions of all parties to this proceeding and without the benefit of complete discovery. As such, I&E reserves the right to call additional witnesses and/or delete witnesses listed above as circumstances dictate.

### **IV. DISCOVERY**

I&E offers no changes to the Commission's guidelines pertaining to Discovery. Should modifications be necessary, I&E will work with the other parties to attain a mutually agreeable time frame for Discovery related issues.

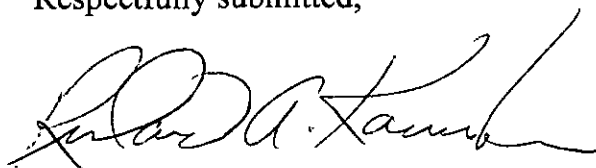
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<sup>1</sup> The I&E witness may be reached at the same mailing and telephone locations as those provided earlier in this Prehearing Memorandum for Mr. Kanaskie.

## **V. SCHEDULE**

I&E pledges to work with the parties to develop an acceptable schedule with respect to document submission and witness presentation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard A. Kanaskie". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard A. Kanaskie  
Deputy Chief Prosecutor

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission

Dated: December 20, 2011