

Kathy J. Kolich  
Senior Corporate Counsel

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*Via Federal Express*

August 20, 2012

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

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AUG 20 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Secretary Chiavetta:

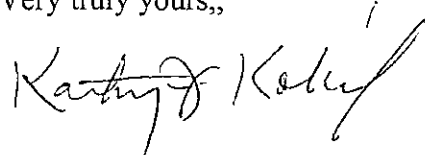
***Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for an Evidentiary Hearing on the Energy Efficiency Benchmarks Established for the Period June 1, 2013 through May 31, 2016; Docket No.***

Enclosed for filing please find the original of the above-referenced Petition for an Evidentiary Hearing submitted on behalf of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company. Please date stamp the additional copy, identify the docket number and return it to me in the enclosed, postage-prepaid envelope.

As indicated on the Certificate of Service, copies have been served on the parties in the manner indicated.

Please contact me with any questions regarding this matter.

Very truly yours,,



kag  
Enclosures

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Metropolitan Edison Company, :  
Pennsylvania Electric Company, :  
Pennsylvania Power Company and West :  
Penn Power Company for an Evidentiary :  
Hearing on the Energy Efficiency :  
Benchmarks Established for the Period :  
June 1, 2013 through May 31, 2016 :**

Docket No: P-2012-\_\_\_\_\_

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**I. INTRODUCTION**

Pursuant to the Implementation Order entered on August 3, 2012, in Docket Nos. M-2012-2289411 and M-2008-2069877,<sup>1</sup> Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, “the Companies”) submit this Petition for an Evidentiary Hearing.

**II. BACKGROUND**

1. The Petitioners are each electric public utilities that provide retail electric service to customers within their respective franchised service territories throughout Pennsylvania. Pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2801, *et seq*, the Companies each serve as an “electric distribution company” as defined therein, and also as the electric default service provider to retail customers within their service territories who do not choose an alternate electric generation supplier.

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<sup>1</sup> *In re Energy Efficiency and Conservation Program*, Docket No. M2012-2289411 et al, Implementation Order (August 3, 2012).

2. The name and address of the Petitioners' attorney with respect to this matter is Kathy J. Kolich, FirstEnergy Corp., 76 South Main Street, 15<sup>th</sup> Floor, Akron, Ohio 44308, who can also be reached at 330-384-4580 or via email at [kjkolich@firstenergycorp.com](mailto:kjkolich@firstenergycorp.com).

### III. REQUEST FOR EVIDENTIARY HEARING

1. Act 129 of 2008 ("Act 129") charged the Pennsylvania Public Utility Commission ("Commission") with the task of developing an energy efficiency and conservation program ("EE&C Program.").

2. The Act also established energy efficiency ("EE") and peak demand reduction ("PDR") targets that each electric distribution company ("EDC") with at least 100,000 customers had to meet by May 31, 2011 and/or May 31, 2013.

3. Pursuant to Section 2806.1(C)(3) of Act 129, the Commission was also charged with evaluating the costs and benefits of the EE&C Program by November 30, 2013 and every five years thereafter.

4. To help fulfill this statutory obligation, the Commission adopted a tentative order in the above captioned proceeding on May 10, 2012, outlining its proposed standards for a Phase II EE&C Program which is currently scheduled to begin June 1, 2013.

5. After receiving comments and reply comments from the Companies and other interested parties, the Commission entered its Implementation Order on August 3, 2012 ("August 3 IO"), in which it established energy efficiency ("EE") (but not peak demand reduction ("PDR")) targets for the period June 1, 2013 through May 31, 2016 ("Phase II Period").

6. In the August 3 IO, the Commission indicated that an EDU must submit a petition for an evidentiary hearing no later than August 20, 2012, if it desires to challenge the established energy efficiency benchmarks.<sup>2</sup> Otherwise, the energy efficiency benchmarks would be deemed accepted.<sup>3</sup>

7. The Companies cannot be certain if they can achieve these energy efficiency benchmarks until after they have assessed programs, analyzed potential participants and participation rates, and developed combinations of programs and measures that will comply with established targets within the 2% spending cap. This is an on-going process that must be performed through an iterative process that takes several months with a goal of having a recommended Phase II EE&C Plan submitted no later than November 1, 2012.

8. Therefore, in order to preserve their rights to challenge the energy efficiency benchmarks as set forth in the August 3 IO until such a time as they can make an informed decision as to the reasonableness of the same, they submit this Petition for an Evidentiary Hearing.<sup>4</sup>

9. Should the Companies subsequently determine that they believe the energy efficiency targets are reasonable, they will withdraw this Petition at a later date.

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<sup>2</sup> *In re Energy Efficiency and Conservation Program*, Docket No. M2012-2289411 et al, Implementation Order, p. 31 (August 3, 2012).

<sup>3</sup> *Id.*

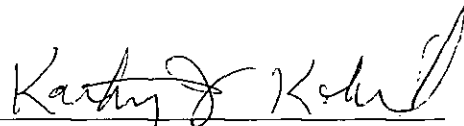
<sup>4</sup> The Companies are filing contemporaneously with this Petition a separate Petition for Reconsideration and Clarification in Docket Nos. M2012-2289411 and M-2008-2069877, asking the Commission to combine the evidentiary hearing contemplated herein with the hearing that will evaluate the overall sufficiency of the Companies' Phase II EE&C Plans. Should the Commission grant this request, or should the Companies subsequently determine that the benchmarks included in the August 3 IO are reasonable, this Petition will be withdrawn.

IV. CONCLUSION

WHEREFORE, in light of the foregoing, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company respectfully request that the Pennsylvania Public Utility Commission grant this Petition for an Evidentiary Hearing and proceed consistent with the procedural schedule as outlined in the August 3 IO, unless subsequently modified by the Commission through the Companies' Petition for Reconsideration and Clarification submitted in Docket Nos. M-2012-2289411 and M-2008-2069877.

Respectfully submitted,

Dated: August 20, 2012



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Counsel for:  
Metropolitan Edison Company,  
Pennsylvania Electric Company,  
Pennsylvania Power Company and  
West Penn Power Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Metropolitan Edison Company, :  
Pennsylvania Electric Company, Pennsylvania :  
Power Company and West Penn Power :       Docket No: P-2012-\_\_\_\_\_  
Company for an Evidentiary Hearing on the :  
Energy Efficiency Benchmarks Established for :  
the Period June 1, 2013 through May 31, 2016 :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by overnight delivery, as follows:

Rosemary Chiavatta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

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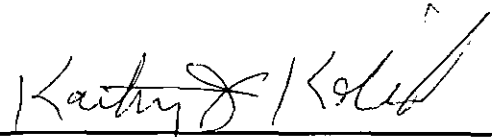
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Service by electronic mail, as follows:

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\_\_\_\_\_  
Kathy J. Kolich, Esq.  
Attorney No. 92203  
Dated: August 20, 2012

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Harrisburg, PA 17120

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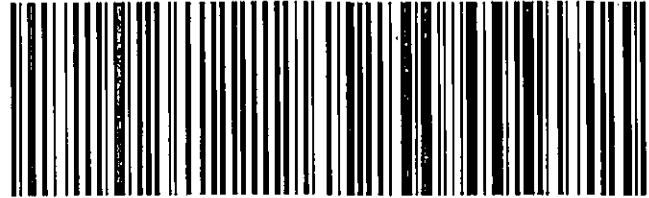
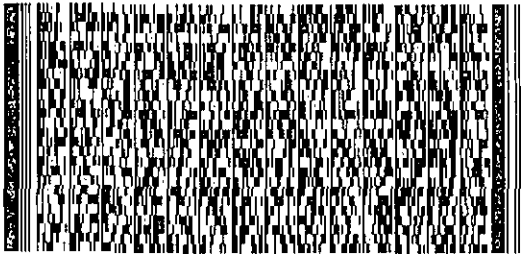
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