**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company, :

Pennsylvania Electric Company, Pennsylvania : P-2012-2320450

Power Company and West Penn Power Company : P-2012-2320468

For an Evidentiary Hearing on the Energy : P-2012-2320480

Efficiency Benchmarks Established for the Period : P-2012-2320484

June 1, 2013 through May 31, 2016 :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

HISTORY OF THE PROCEEDING

On August 3, 2012, the Commission entered an Implementation Order regarding the *Energy Efficiency and Conservation Program* at Docket Nos. M-2012-2289411 and M-2008-2069887. The Commission established energy efficiency (“EE”) (but not peak demand reduction (“PDR”)) benchmarks for the period June 1, 2013 through May 31, 2016 (“Phase II Period”). The Commission gave the electric distribution companies until August 20, 2012, within which time to accept the Commission’s proposed consumption reduction benchmarks, or to file a petition for an evidentiary hearing, otherwise the energy efficiency benchmarks would be deemed accepted. *Id.*

Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) (collectively “the Companies”) jointly filed a Petition for an Evidentiary Hearing as well as a Petition for Reconsideration on August 20, 2012. The petition for evidentiary hearing was assigned four separate docket numbers by the Secretary’s Bureau as follows: 1) P-2012-2320450 (Met-Ed); 2) P-2012-2320468 (Penelec); 3) P-2012-2320480 (Penn Power); and 4) P-2012-2320484 (West Penn). The petition for an evidentiary hearing was assigned to the Office of Administrative Law Judge with a certified record deadline of November 2, 2012. The matter was assigned to Administrative Law Judge Elizabeth H. Barnes.

On August 20, 2012, the Companies also filed a petition for reconsideration of the Commission’s Implementation Order arguing that they needed more time to prepare for the benchmarks issue, and requesting the evidentiary hearing be held at the same time an evidentiary hearing regarding their EE&C Plans (Phase II) after November 1, 2012. The petition for reconsideration was denied on September 27, 2012.

An Initial Prehearing Conference was held on September 10, 2012. Five petitions to intervene by the following intervenors were granted by a *Scheduling Order* dated September 18, 2012, including: 1) the Community Action Association of Pennsylvania (CAPP); 2) the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA); 3) the Clean Air Council (CAC) and Sierra Club; 4) Citizens for Pennsylvania’s Future (PennFuture); and 5) the Met-Ed Industrial Users Group (MEIUG), Penelec Industrial Customer Alliance (PICA), Penn Power Users Group (PPUG), and West Penn Power Industrial Intervenors (WPII).

On October 19, 2012, a hearing was held regarding the energy efficiency benchmarks. A transcript was filed on October 23, 2012. Main briefs were filed on November 2, 2012.[[1]](#footnote-1)

THEREFORE,

IT IS ORDERED THAT THE FOLLOWING DOCUMENTS COMPRISE THE EVIDENTIARY RECORD IN THIS CASE:

1. 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 Period June 1, 2013 through May 31, 2016, filed on August 20, 2012, at Docket Nos. P-2012-2320450; P-2012-2320480; P-2012-230468; and P-2012-2320484.

2. Clean Air Council’s Motion to Admit Pro Hac Vice Zachary Fabish, Esquire, filed on August 30, 2012.

3. Community Action Association of Pennsylvania’s Petition to Intervene filed on August 29, 2012.

4. *Prehearing Conference Order* entered on August 29, 2012.

5. Met-Ed Industrial Users Group’s, Penelec Industrial Customer Alliance’s, Penn Power Users Group’s, and West Penn Power Industrial Intervenor’ s Petition to Intervene filed on August 30, 2012.

6. Citizens for Pennsylvania’s Future’s Petition to Intervene filed on August 30, 2012 and again on September 5, 2012.

7. Clean Air Council and Sierra Club’s Petition to Intervene filed on August 30, 2012.

8. Office of Consumer Advocate’s Notice of Intervention filed on August 30, 2012.

9. The transcript of the prehearing conference held on September 10, 2012, consisting of pages 1 through 19.

10. *Scheduling Order* entered on September 18, 2012.

11. The transcript of the evidentiary hearing held at 10:00 a.m. on October 19, 2012, consisting of pages 20 through 60.

12. The Submissions of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company entitled as follows:

FE Companies Statement No. 1, Prepared Direct Testimony of Edward C. Miller (corrected with Exhibits ECM-1 through 3).

FE Companies Statement No. 1-R, Rebuttal Testimony of Edward C. Miller

13. The submissions of PennFuture as follows:

PennFuture Exhibit 1, Direct Testimony of Glenn Reed.

14. The submissions of the Statewide Evaluator, entitled as follows:

SWE Statement 1 (Electric Energy Efficiency Potential for Pennsylvania)

Appendix 1 (Avoided Costs and General Model Inputs by EDC)

Appendix 2 (Residential Sector Data)

Appendix 2.2 (Measure Level TRC Ratios by EDC)

Appendix 2.3 (Measure Level Levelized Costs by EDC)

Appendix 3 (Commercial & Industrial End Use and Saturation Study)

SWE Statement 2 (Pennsylvania Statewide Residential End-Use and Saturation Study)

SWE Statement 3 (Pennsylvania Statewide Commercial & Industrial End Use & Saturation Study

SWE Appendix 4 (Curriculum Vitae of Richard Spellman, Patrick Burns, Salil Gogtes and Verification of Richard Spellman)

15. The submissions of the Office of Consumer Advocate as follows:

OCA Statement 1, Prepared Direct Testimony of Geoffrey C. Crandall with Exhibit GCC-1)

16. Main briefs filed on November 2, 2012 by: 1) Citizens for Pennsylvania’s Future; 2) Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company; 3) Clean Air Council and Sierra Club; and 4) Office of Consumer Advocate.

17. Proposed Findings of Fact and Conclusions of Law filed by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company on November 2, 2012.

Dated: November 2, 2012 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Elizabeth H. Barnes

Administrative Law Judge

**P-2012-2320450**

**P-2012-2320468**

**P-2012-2320480**

**P-2012-2320484**

**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.**

***rEVISED 9/18/12***

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1. Although the Scheduling Order stated that main briefs were due on October 31, 2012, due to weather-related office closings on October 29, 2012, counsel for the Companies requested an extension of the brief deadline to November 2, 2012. As there was no objection, this request was informally granted on October 29, 2012, and the brief deadline was extended for all parties until 12:00 noon on November 2, 2012. [↑](#footnote-ref-1)