**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :

for Approval of its Act 129 Phase II : M-2012-2333992

Energy Efficiency and Conservation Plan :

**ORDER ADMITTING DIRECT TESTIMONY OF**

**RAYMOND G. BERKEBILE INTO THE RECORD**

In accordance with the provisions of 52 Pa. Code §§ 1.2, 5.402, 5.403, and 5.483, the purpose of this Order is to admit the direct testimony of Raymond G. Berkebile into the record of this proceeding. Mr. Berkebile is a witness for Comverge, Inc. (Comverge).

A hearing in this case was held on January 9, 2013. At that hearing, Comverge asked that the comments of Mr. Berkebile be received into the evidentiary record. I denied that request consistent with the reasoning set forth in my Fifth Prehearing Order in this case which was issued on January 2, 2013. However, I afforded Comverge the opportunity to file direct testimony by noon on January 11, 2013, subject to any objection by the other parties to this proceeding. I note that although Comverge was a timely intervenor in this case, intervention was granted after the date for the filing of direct testimony had passed.

Comverge timely filed the direct testimony of Mr. Berkebile consistent with my directive at the hearing on January 9, 2013. No objection has been raised to the receipt into the record of Mr. Berkebile’s testimony, which is now marked as “Comverge Exhibit No. 1-Revised.” That is understandable given that Mr. Berkebile’s testimony is, essentially, his comments placed into testimonial form, and the parties had those comments in their possession prior to the evidentiary hearing.

Comverge Exhibit No. 1-Revised, the direct testimony of Raymond G. Berkebile is, therefore, received into evidence and is made a part of the record of this proceeding.

Date: January 14, 2013 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

**P-2012-2333992 - Petition of Peco Energy Company for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan.**

***Revised 12/28/12***

ANTHONY E GAY ESQUIRE

JACK R GARFINKLE ESQUIRE

EXELON BUSINESS SERVICES COMPANY

2301 MARKET STREET

PO BOX 8699

PHILADELPHIA PA 19101-8699

**215.841.4635**

THOMAS P GADSDEN ESQUIRE

CATHERINE G VASUDEVAN ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103-2921

**215.963.5234**

TANYA J MCCLOSKEY ESQUIRE

JENNEDY S JOHNSON ESQUIRE

OFFICE OF CONSUMER ADVOCATE

5TH FLOOR FORUM PLACE

555 WALNUT STREET

HARRISBURG PA 17101-1923

DANIEL G ASMUS ESQUIRE

SHARON E WEBB ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE

SUITE 1102 COMMERCE BUILDING

300 NORTH SECOND STREET

HARRISBURG PA 17101

RICHARD A KANASKIE ESQUIRE

CARRIE B WRIGHT ESQUIRE

PA PUC BIE

PO BOX 3265

HARRISBURG PA 17105-3265

BRIAN GLASS

PENNFUTURE

1500 WALNUT STREET

SUITE 502

PHILADELPHIA PA 19102

HARRY S GELLER ESQUIRE

JULIE GEORGE ESQUIRE

JOHN C GERHARD ESQUIRE

PA UTILITY LAW PROJECT

118 LOCUST STREET

HARRISBURG PA 17101-1414

*(FOR ACORN)*

KURK E KLAPKOWSKI

PA DEP

RCSOB 9TH FLOOR

400 MARKET STREET

HARRISBURG PA 17101-2301

THU B TRAN ESQUIRE

PHILLIP A BERTOCCI ESQUIRE

JONATHAN M STEIN ESQUIRE

COMMUNITY LEGAL SERVICES

1424 CHESTNUT STREET

PHILADELPHIA PA 19102-2505

*(FOR TENANT UNION REPRESENTATIVE NETWORK & ACTION ALLIANCE OF SENIOR CITIZENS OF GREATER PHILADELPHIA)*

DANIEL CLEARFIELD ESQUIRE

KEVIN J MOODY ESQUIRE

ECKERT SEAMANS CHERIN & MELLOTT LLC

PO BOX 1248

HARRISBURG PA 17108-1248

*(FOR DIRECT ENERGY BUSINESS LLC)*

CHARIS MINCAVAGE ESQUIRE

ADEOLU A BAKARE ESQUIRE

MCNEES WALLACE & NURICK LLC

PO BOX 1166

HARRISBURG PA 17108-1166

*(FOR THE PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP)*

ROGER E CLARK

THE REINVESTMENT FUND

718 ARCH STREET

SUITE 300 NORTH

PHILADELPHIA PA 19106-1591

J BARRY DAVIS ESQUIRE

SCOTT J SCHWARZ ESQUIRE

CITY OF PHILADELPHIA LAW DEPT

1515 ARCH STREET 16TH FLOOR

PHILADELPHIA PA 19102

SCOTT H DEBROFF ESQUIRE

ALICIA R PETERSON ESQUIRE

RHOADS & SINON LLP

PO BOX 1146

HARRISBURG PA 17108-1146

*(FOR ENERNOC INC)*

DIVESH GUPTA ESQUIRE

CONSTELLATION

100 CONSTELLATION WAY

SUITE 500 C

BALTIMORE MD 21202

*(CONSTELLATION NEWENERGY INC)*

NIA WILSON ESQUIRE

OFFICE OF REPRESENTATIVE

MARK B COHEN

HOUSE HUMAN SERVICES COMMITTEE

330 IRVIS OFFICE BUILDING

HARRISBURG PA 17120-2202

*(FOR STATE REPRESENTATIVE MARK B COHEN)*

ROBERT GRAFF MANAGER

ENERGY & CLIMATE CHANGE INITIATIVES

DELAWARE VALLEY REGIONAL PLANNING COMM

190 NORTH INDEPENDENCE MALL WEST

8TH FLOOR

PHILADELPHIA PA 19106-1520

LIBBY DODSON DIVISION CHIEF

POLLUTION PREVENTION & ENERGY ASSISTANCE

PA DEP – OETD

RCSOB 15TH FLOOR

400 MARKET STREET

HARRISBURG PA 17101-2301

RICK SAUER EXEC DIR

PHILADELPHIA ASSOC OF COMMUNITY DEVELOPMENT CORPORATIONS

SUITE 1600

1315 WALNUT STREET

PHILADELPHIA PA 19107

DICK SPELLMAN PRESIDENT

GDS ASSOCIATES INC

SUITE 800

1850 PARKWAY PLACE

MARIETTA GA 30067

HEATHER M LANGELAND ESQUIRE

PENNFUTURE

200 FIRST STREET

SUITE 200

PITTSBURGH PA 15222

JEFFREY J NORTON ESQUIRE

ECKERT SEAMANS CHERIN & MELLOTT

213 MARKET STREET 8TH FLOOR

HARRISBURG PA 17101