**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company :

for Approval of its Act 129 Phase II : M-2012-2334387

Energy Efficiency and Conservation Plan :

:

Petition of Pennsylvania Electric Company :

For Approval of its Act 129 Phase II : M-2012334392

Energy Efficiency and Conservation Plan :

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Petition of Pennsylvania Power Company :

For Approval of its Act 129 Phase II : M-2012-2334395

Energy Efficiency and Conservation Plan :

:

Petition of West Penn Power Company :

For Approval of its Act 129 Phase II : M-2012-2334398

Energy Efficiency and Conservation Plan :

**ORDER**

On January 17, 2013, a hearing was held regarding Metropolitan Edison Company’s (Met-Ed), Pennsylvania Electric Company’s (Penelec), Pennsylvania Power Company’s (Penn Power), and West Penn Power Company’s (West Penn) (collectively “the FirstEnergy Companies”) petitions for approval of their Act 129 Phase II Energy Efficiency and Conservation Plans.

At the hearing, Comverge, Inc. motioned to withdraw its Petition for Admission of Direct Testimony *Nunc Pro Tunc* given the terms of an oral settlement agreement and written term sheet. This motion shall be granted.

Also at the hearing, a proposed non-proprietary settlement term sheet marked *FE-Term Sheet* was admitted into the record as well as other evidence and testimony. I advised counsel that I would be amending the December 28, 2012 Scheduling Order accordingly to provide for a deadline of January 28, 2013 for a fully executed and filed Joint Petition for Settlement between the signatory parties. It is my understanding that this is a partial settlement of all outstanding issues, and that UGI Distribution Company still has unresolved issues with the Companies’ plans.

Additionally, individual statements in support of the Joint Petition for Settlement shall be filed by January 28, 2013. As there remains the litigated issues which UGI Distribution Company raised, main briefs from the FirstEnergy Companies and UGI Distribution Company shall be due January 28, 2013. All reply briefs, reply comments and revised red-lined Phase II EE&C plans shall be due on or before February 6, 2013. In the event that settlement discussions deteriorate and a joint settlement petition is not filed on January 28, 2013, the parties are directed to file main briefs regarding their issues following the outline format for briefs provided at the hearing on or before January 28, 2013.

THEREFORE,

IT IS ORDERED:

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| |  |  | | --- | --- | | 1. That the procedural schedule as set forth in the *Scheduling Order* dated December 28, 2012, is hereby amended as follows: |  | | |  | | --- | | UGI’s response to FirstEnergy’s on record data request January 22, 2013  Joint Settlement Petition with Statements in Support January 28, 2013  Main briefs January 28, 2013  Reply briefs/comments and revised red-lined plan February 6, 2013  ALJ certifies record February 7, 2013 | |  | |  | | |  |

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2. That UGI Distribution Company shall respond to FirstEnergy’s on the record data request made at the hearing on or before Tuesday, January 22, 2013 to be served in-hand or via electronic mail, with hard copies of the documents sent via First Class Mail.

3. That Comverge, Inc.’s Motion to withdraw its Petition for Admission of Direct Testimony *Nunc Pro Tunc* is granted.

4. That in the event that settlement discussions deteriorate and a joint settlement petition is not filed on January 28, 2013, the parties are directed to file main briefs regarding their issues following the outline format for briefs provided at the hearing on or before January 28, 2013.

Date: January 17, 2013

Elizabeth H. Barnes

Administrative Law Judge

**M-2012-2334387 – PETITION OF METROPOLITAN EDISON COMPANY**

**M-2012-2334392 – PETITION OF PENNSYLVANIA ELECTRIC COMPANY**

**M-2012-2334395 – PETITION OF PENNSYLVANIA POWER COMPANY**

**M-2012-2334398 – PETITION OF WEST PENN POWER COMPANY**

***Revised 1/8/13***

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