Exelon.

Exelon Business Services Company
Legal Department
2301 Market Street/S23-1
Philadelphia, PA 19103
215 568 3389 Fax
www.exeloncorp.com

RECEIVED

JAN 24 2013

PA PUBLIC UTILITY COMMISSION
.SECRETARY'S BUREAU

January 24, 2013

VIA FEDERAL EXPRESS

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of Its Act 129 Phase II Energy Efficiency and Conservation Plan Docket No. M-2012-2333992

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced proceeding are PECO Energy Company's: (1) **Reply Brief**; and (2) **Revised Phase II Energy Efficiency And Conservation Plan.** The Revised Plan is being provided in both clean and blackline formats and a summary of revisions is provided at page ii of the Revised Plan.

As indicated by the Certificate of Service, copies of the Reply Brief and Revised Plan have been served upon all parties of record and Administrative Law Judge Buckley.

Sincerely,

Jack R. Garfinkle

Enclosures

c: Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY COMPANY FOR APPROVAL OF ITS ACT 129 PHASE II ENERGY EFFICIENCY AND CONSERVATION PLAN	:	**DOCKET NO. M-2012-2333992**

RECEIVED

JAN 24 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPLY BRIEF OF PECO ENERGY COMPANY

Before Administrative Law Judge
Dennis J. Buckley

Romulo L. Diaz, Jr.
(Pa. No. 88795)
Anthony E. Gay
(Pa. No. 74624)
Jack R. Garfinkle
(Pa. No. 81892)
Exelon Business Services Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699

Thomas P. Gadsden
(Pa. No. 28478)
Catherine G. Vasudevan
(Pa. No. 210254)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

January 24, 2013

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

I. INTRODUCTION

PECO Energy Company ("PECO" or "the Company") files this Reply Brief in response to the Main Briefs of the Office of Consumer Advocate ("OCA"), the Philadelphia Area Industrial Energy Users Group ("PAIEUG"), the City of Philadelphia (the "City"), Citizens for Pennsylvania's Future ("PennFuture"), and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA"). Comverge, Inc. ("Comverge") also filed a Main Brief in support of the Company's Smart On-Site Program, which promotes combined heat and power ("CHP") projects as part of PECO's Phase II Energy Efficiency and Conservation ("EE&C") Plan ("Phase II Plan" or "Plan").[1]

As explained in PECO's Main Brief, the Phase II Plan contains a robust portfolio of programs that have been carefully designed to achieve the consumption reductions required by Act 129 and the Pennsylvania Public Utility Commission's (the "Commission") *Phase II Implementation Order*[2], while staying within applicable cost limitations. The Plan builds on the Company's Phase I accomplishments and will provide meaningful ongoing savings opportunities for all customer classes. During the course of this proceeding, the Company has agreed to make certain changes to its Plan to address issues raised by other parties. Those changes, along with other clarifying additions, are reflected in the Revised Phase II Plan being filed contemporaneously herewith, which the Company has identified and will refer to herein as PECO Exhibit No. 2.

To a large extent, the arguments advanced by the opposing parties in their respective Main Briefs were fully addressed in PECO's Main Brief. Therefore, this Reply Brief will focus

---

[1] The Office of Small Business Advocate ("OSBA") and Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart") did not file Main Briefs.

[2] *See Energy Efficiency and Conservation Program*, Docket Nos. M-2008-2069887 and M-2012-2289411 (Order entered August 3, 2012) (the "*Phase II Implementation Order*").

on key areas of disagreement, the Plan revisions made to address certain issues raised in this proceeding, and new arguments presented by PAIEUG in its Main Brief. As none of the arguments now advanced by the opposing parties justify additional modification of PECO's Plan, the Commission should approve the Revised Phase II Plan (PECO Exhibit No. 2) as submitted.

II. ARGUMENT

A. PECO Has Appropriately Addressed The Limited Issues Raised By Other Parties In Testimony

As explained in the Company's Main Brief, only four parties (OCA, the City, CAUSE-PA and Comverge) submitted testimony in this proceeding. While these intervenors expressed overall support for PECO's Phase II Plan, *see* PECO Main Brief, pp. 11-12, OCA, the City and CAUSE-PA expressed a few continued concerns with the Phase II Plan in their respective Main Briefs. As detailed in the following sections, the Company has appropriately addressed these limited issues, and, where appropriate, made revisions to its Phase II Plan.

1. Low-Income Energy Efficiency Program ("LEEP")

To address concerns raised by OCA and CAUSE-PA, the Company explained in its Main Brief that PECO will only count savings from customers at or below 150% of the Federal Poverty Income Guidelines ("FPIG") for purposes of satisfying the 4.5% low-income savings requirement established in the *Phase II Implementation Order*. *See* PECO Main Brief, pp. 13-15; *Phase II Implementation Order*, p. 54. While the majority of low-income savings will be generated by LEEP, the Company will also obtain savings from low-income customer participation in other Phase II programs and from banked Phase I savings. *Id.*

To further alleviate CAUSE-PA's concerns, the Company entered into a Stipulation with CAUSE-PA and incorporated the following Stipulation terms into PECO's Revised Phase II Plan: (1) For purposes of meeting the 4.5% low-income savings requirement, PECO will only count savings generated by households at or below 150% of the FPIG; (2) PECO will separately track LEEP expenditures for customers at or below 150% of the FPIG; and (3) When a customer at or below 150% of the FPIG participates in a Phase II program other than LEEP, the Company will provide the customer's information to the Company's Low Income Usage Reduction Program ("LIURP") and/or LEEP to determine eligibility for those programs. *See* PECO/CAUSE-PA Exhibit 1; PECO Exhibit No. 2, p. 55.

In its Main Brief, the OCA supports the Stipulation and does not express any continued concerns regarding LEEP. *See* OCA Main Brief, pp. 20-21. CAUSE-PA, however, has proposed that the Company: (1) provide greater emphasis on appliance exchanges and eliminate, where feasible, *de facto* electric heating; and (2) coordinate to a greater degree with other low-income energy efficiency programs. CAUSE-PA Main Brief, p. 3. While PECO appreciates CAUSE-PA's recommendations concerning LEEP, the Company is confident that the program is appropriately designed and will generate sufficient low-income savings, which, when combined with savings from other programs and banked savings from Phase I, will satisfy the 4.5% low-income savings requirement. The Company notes that LEEP includes comprehensive home weatherization audits and the direct installation of measures, which may encompass the replacement of inefficient appliances such as refrigerators, room air conditioners, and electric water heaters with ENERGY STAR® units, at no cost to the customer. LEEP also includes a separate refrigerator replacement program to replace old inefficient working refrigerators with new ENERGY STAR® units. In sum, LEEP is designed to provide the wide array of meaningful savings opportunities for low-income customers that CAUSE-PA seeks.

2. Smart Multi-Family Solutions Program

In its Main Brief, PECO addressed the concerns of the OCA and CAUSE-PA regarding the Company's proposed Smart Multi-Family Solutions Program. Thus, PECO explained that the OCA's proposal to target rental properties was not necessary because the program, as designed by PECO, appropriately targets both rental and owner-occupied units. *See* PECO Main Brief, p. 15; *see also* OCA Main Brief, pp. 16-19. In fact, the program addresses the very "split incentive" challenges cited by the OCA through the use of measures that will be installed directly and without any payment by the customer. *Id; see also* PECO Exhibit No. 2, p. 103. In addition, PECO refuted the OCA's suggestion that the program preferentially targets master-metered buildings. *Id.* The Company projects that it will treat approximately 11,000 residentially-metered units per year and 8,000 units per year in commercially-metered facilities. *See* PECO Exhibit No. 2, p. 111. The Company's budget allocations are appropriately based on these projections, and customers will only be responsible for program costs that are actually incurred. PECO Main Brief, p. 14; *see also* PAIEUG Main Brief, pp. 16-18 (supporting PECO's proposed budgets for the Multi-Family Solutions Program).

Regarding CAUSE-PA's proposal to create a new program component focused only on low and lower-income households, the Company explained that it will work with the conservation service provider ("CSP") responsible for the program's implementation to ensure that all customer segments, including low and lower-income households, are served. *See* PECO Main Brief, p. 15; *see also* CAUSE-PA Main Brief, pp. 9-10. PECO expects that the CSP will work with a single point of contact for each participating multi-family facility, which will allow the CSP to target and manage the appropriate customer segment mix.

Notwithstanding the foregoing, PECO has added language at page 101 of its Revised Phase II Plan to further clarify the Company's commitment to target a diverse customer mix in the Smart Multi-Family Solutions Program. *See* PECO Exhibit No. 2, p. 101.

3. Smart Usage Profile Program

In its Main Brief, PECO noted that it agreed with OCA's recommendation to utilize multiple methods for communicating with customers. In particular, the Company stated its intention to work with its implementation CSP to review best practices and determine what methods are most appropriate. *See* PECO Main Brief, p. 15. PECO's Revised Phase II Plan contains language reflecting this commitment. *See* PECO Exhibit No. 2, p. 67.

4. Smart Builder Rebates Program

In its Main Brief, PECO responded to OCA's recommendation that the Smart Builder Rebates Program be postponed until: (1) new building codes currently under consideration in Pennsylvania are adopted, and any inconsistencies with the program, as proposed, are resolved; and (2) the program is redesigned in consultation with stakeholders. *See* PECO Main Brief, p. 16; *see also* OCA Main Brief, pp. 11-14. PECO explained that its proposed Smart Builder Rebates Program already reflects stakeholder input[3] and that, if a new building code is adopted before or during Phase II, the Company will adjust its Program as appropriate to reflect any changes in energy consumption baselines. *Id.* PECO's Revised Phase II Plan contains language reflecting its commitment to make necessary adjustments to the program if and when changes in energy consumption baselines occur. *See* PECO Exhibit No. 2, p. 47. That said, the Company does not agree with the OCA that the likelihood of future revisions warrants delaying

---

[3] The Company notes that OCA has commended PECO on "the extensive collaborative process that it employed in arriving at its Plan." OCA Main Brief, p. 7.

implementation of the program. If that were the case, Plan implementation would be constantly disrupted by the evolution of other key standards, such as the Technical Reference Manual, which is revised on an annual basis.

5. Smart House Call Program

In its Main Brief, PECO accepted the OCA's recommendation to add a data collection and analysis component to its Smart House Call Program. *See* PECO Main Brief, p. 16; *see also* OCA Main Brief, pp. 14-16. In particular, the Company committed to: (1) work with its implementation CSP to determine what data would be reasonable and beneficial to collect; and (2) use the information it gathers during program implementation to support future energy efficiency opportunities. *Id.* PECO's Revised Phase II Plan contains language reflecting this commitment. *See* PECO Exhibit No. 2, p. 43.

6. Smart On-Site Program

In its Main Brief, the City: (1) has asked PECO to clarify the incentive levels that will be applied to CHP projects that are initiated during Phase I, but completed during Phase II; and (2) has proposed that incentive levels for CHP be increased in the Phase II Plan and overall incentive caps be removed. City Main Brief, pp. 4-5.

Regarding the first item, PECO has proposed to treat Phase I CHP project applications as follows: (1) if a substantial portion of project construction is completed during Phase I (i.e., facilities have been constructed and CHP generating equipment has been received on-site) and the anticipated date of commercial operation (completion date) is prior to December 31, 2013, incentives will be paid at the Phase I incentive levels with the funds proposed for the Phase II Smart On-Site Program; and (2) if project construction is initiated, but is not substantial, during Phase I (i.e., facilities have not been constructed and/or CHP generating equipment has not been received) and the anticipated date of commercial operation (completion date) of a project is after December 31, 2013, incentives will be paid at Phase II incentive levels with the funds and program rules proposed for the Phase II Smart On-Site Program. *See* PECO Main Brief, p. 17. PECO's Revised Phase II Plan contains language reflecting this commitment. *See* PECO Exhibit No. 2, p. 148.

As to the more sweeping changes recommended by the City, PECO believes that its proposed incentive structure is adequate and appropriate for the promotion of a variety of CHP projects.[4] The maximum incentive cap of $1,000,000 per project ensures that the incentive budget will not be dominated by a single large project. In addition, the maximum incentive limit of 50% of project cost and declining tiered incentive rates are appropriate in light of the fact that the cost of installing capacity (cost/MW) declines as capacity increases. For this reason, larger projects have less of a need for incentives as cost/MW declines with increasing project size. Finally, the capacity incentive portion is limited to 40% of the project cost so that a minimum of 10% is still available for performance incentives. PECO notes that Comverge, a CSP that promotes the use of CHP technologies, has recognized the potential for a favorable return on investment for these types of projects and has enthusiastically supported PECO's Smart On-Site Program as proposed. *See* Comverge Main Brief, p. 7.

7. Direct Load Control Program

PECO did not propose any demand response ("DR") programs as part of its Phase II Plan. The OCA, however, has encouraged PECO to work with stakeholders to identify ways to continue the Company's existing Direct Load Control ("DLC") programs within its Phase II Plan

[4] Through discovery, the Company provided the City with detailed information regarding the various incentive strategies that were reviewed and benchmarked when developing the proposed Smart On-Site Program.

budget and savings target. OCA Main Brief, p. 21.

As explained in the Company's Main Brief, the Commission has directed the Statewide Evaluator ("SWE") to complete a DR study to determine the cost effectiveness of current and potential future DR programs. PECO understands that the Commission will hold its second Demand Response Study Stakeholders' Meeting on Tuesday, February 12, 2013, to provide stakeholders with an update on the status of the SWE DR study and the results obtained to date, as well as to outline tasks to be completed. *See* Docket No. M-2012-2289411 (Secretarial Letter dated January 14, 2013). The Commission has also indicated that the results of the study will become available in April 2013. *Id.* PECO will review the SWE DR study when it becomes available and will work with stakeholders as the Company continues to evaluate whether DLC programs can be funded in Phase II without jeopardizing its ability to meet its 2.9% energy savings target.

B. The New Issues Raised By PAIEUG Are Without Merit

In its Main Brief, PAIEUG expresses generic and meritless concerns regarding overall Plan costs, the portion of those costs assigned to large commercial and industrial ("Large C&I") customers, and the balance of incentive and non-incentive costs. PAIEUG did not present any evidence that PECO's proposed program costs are unreasonable, imprudent, or contrary to Act 129 or the *Phase II Implementation Order* and has not proposed any specific revisions for the Commission's consideration. Instead, it mischaracterizes Act 129 and the *Phase II Implementation Order* and sprinkles in a few financial figures to suggest that PECO has run afoul of the requirements purportedly set forth therein.

1. Overall Plan Costs

The centerpiece of PAIEUG's cost argument is the unsupported assertion that PECO's Phase II Plan should be less costly than its Phase I Plan because the Phase II requirements allegedly are less onerous: "unlike Phase I, Phase II does not require PECO to achieve any demand reduction goals, and the Company's electric consumption goal has been reduced slightly to 2.9%." PAIEUG Main Brief, p. 4. While PAIEUG is correct regarding demand reduction goals, PECO's Phase II consumption reduction targets are, in fact, more aggressive than in Phase I. During Phase I, PECO was required to reduce energy usage by 3.0% over a 4-year period, which averages to 0.75%/year. 66 Pa.C.S. § 2806.1(c). During Phase II, the Company must meet its 2.9% target over a 3-year period, which averages to 0.97% per year. *Phase II Implementation Order*, pp. 23-24. This equates to almost a 30% higher per year target for Plan II versus Plan I. In addition, the Company must achieve this more aggressive reduction target in a market where a large number of customers have already implemented energy saving measures during Phase I. *See* January 9, 2013 Hearing Tr. p. 83 (noting that PECO's acquisition costs would likely be increased for Phase II).

Despite these challenges, PECO's projected Large C&I costs for Phase II ($70M) are less than its projected Large C&I costs for Phase I ($99.7M). PAIEUG Cross-Examination Ex. 1 (Phase II projections) and Ex. 3 (original Phase I projections). PAIEUG is apparently not satisfied, however, because PECO's Phase II projections for the Large C&I class ($70M) are higher than the Company's recent Phase I estimates for that class ($54.9M). PAIEUG Main Brief, pp. 8-9; PAIEUG Cross-Examination Ex. 1 (Phase II projections) and Ex. 2 (most recent Phase I projections). Interestingly, however, PAIEUG does not identify a *single* budget expenditure (for Large C&I or otherwise) in the Phase II Plan that it finds to be unreasonable or imprudent.[5] The Company submits that its budget is well supported, appropriately reflects challenges specific to Phase II, and is consistent with Act 129's spending limitations. *See* PECO Statement No. 2, pp. 4-6, 16-17 (describing the data development process and Plan cost projections). For these reasons, PAIEUG's suggestion that the Phase II Plan costs are too high should be rejected.

2. Allocation Of Costs To Large C&I Customers

PAIEUG's alleged concerns over cost allocation are also misguided. In its Main Brief, PAIEUG compares the revenue contribution of the Large C&I class (11%) and the percentage of Phase II Plan costs assigned and allocated to that class (27%) and asserts that Large C&I customers would be called upon to pay more than their share. PAIEUG Main Brief, pp. 10-12. PAIEUG then argues that "in order to ensure Act 129's requirements are met, shifting a portion of EE&C costs away from the Large C&I customer class would be appropriate so that the cost allocation is better aligned with the resulting revenue contribution." *Id.* at 10. This creative sleight-of-hand should be rejected for several reasons.

First, the 11% figure cited by PAIEUG represents the contribution of Large C&I customers to a revenue pool that includes distribution revenues from all customers and transmission and generation revenues from **only default service customers**. However, a disproportionate percentage of the Large C&I class, indeed over 90%, shops for transmission and generation service. Consequently, the lion's share of the revenues paid by Large C&I customers for electric service are omitted from PAIEUG's analysis.

[5] PAIEUG also questions whether the Company should be permitted to spend money on any program for which a final cost/benefit analysis has not yet been conducted. *PAIEUG Main Brief, p. 9. Adoption of PAIEUG's position,* however, would necessitate a suspension of PECO's EE&C program (and, by extension, the programs of all other EDCs) because the sought-after "final cost/benefit analyses", by definition, cannot be completed until well after Phase I has ended and Phase II is otherwise scheduled to commence.

Second, Act 129 mandates reductions in *kilowatt-hour sales*, not revenues. 66 Pa.C.S. § 2806.1(c); *Phase II Implementation Order*, pp. 23-24. Indeed, neither Act 129 nor the *Phase II Implementation Order* require that those sales reductions (and the costs to achieve them) be obtained from customer classes according to their revenue contribution. And, given that the sales contribution of the Large C&I class is over 40%, the Plan costs assigned to this class (27%) are actually quite reasonable. *See* January 9, 2013 Hearing Tr. at 96.

Finally, the Company has ensured that no customer class receives a disproportionate amount of costs or benefits by assigning and allocating Plan costs in accordance with generally-accepted cost of service principles. For example, the costs of programs that target specific rate classes will be directly assigned to those classes and all administrative/common costs will be allocated according to the ratio of each program's individual spend to the total program spend. *See* PECO Main Brief, p. 9; *see also Phase II Implementation Order*, pp. 110-111 (discussing cost allocation). In short, PAIEUG's suggestion that Plan costs be allocated to each class according to its revenue contribution is nonsensical and should be rejected.

3. Balance Of Incentive And Non-Incentive Costs

PAIEUG argues that "PECO's incentive to non-incentive cost ratio fails to achieve the maximum customer benefits required by Act 129" and therefore the Commission must modify that ratio "as necessary" to maximize incentives. PAIEUG Main Brief, p. 15. As in the case of its other "concerns," PAIEUG made little or no attempt to develop an evidentiary record on this issue. It did not present a witness to explain why it believed PECO's incentive/non-incentive ratio was inappropriate, nor did it submit any evidence regarding the corresponding ratios of other EDCs or of utilities in other states that have implemented energy efficiency programs.

Moreover, PAIEUG's belated "concern" misconstrues the requirements imposed by Act 129 and implemented by the Commission. Act 129 does not mandate that EE&C plans "maximize customer benefits" or define benefits as only encompassing incentives paid directly to customers. Rather, the Act requires that an EDC analyze plan costs and benefits using a total resource cost ("TRC") test approved by the Commission and demonstrate that its plan is cost-effective. *See* 66 Pa.C.S. §§ 2806.1(b)(1)(i)(I) and (a)(3). Consistent with this directive, PECO applied the Commission's approved methodology for analyzing costs and benefits and determined that the Plan's overall TRC score was 1.36, demonstrating significant benefits to PECO's customers. *See* PECO Statement No. 2, pp. 10-11, 18-19 (describing the TRC test analysis and results).

In any case, the Company does not believe its ratio of incentive to non-incentive costs is unreasonable and again notes that PAIEUG has not identified a single budget expenditure in the Phase II Plan that it claims is unreasonable or imprudent. While incentives are an important means to provide Plan benefits to customers, other channels, such as the direct installation of energy efficient technologies[6], are also necessary and appropriate. As such, PAIEUG's amorphous request that the Commission consider modifying the Plan's ratio of incentive to non-incentive costs should be rejected.

III. CONCLUSION

For the reasons set forth above and in PECO's Main Brief, the Commission should enter an order: (1) finding that the Company's Revised Phase II Plan satisfies the requirements of 66 Pa.C.S. § 2806.1(b)(1) and the *Phase II Implementation Order*, including those provisions mandating the implementation of programs designed to achieve the energy savings target

[6] The Company notes that if such direct installation efforts were considered "incentives", as they are in other states, then the Phase II Plan ratio would be 55% incentives and 45% non-incentives. *See* Hearing Tr. pp: 94-95.

established for PECO and the savings carve-outs for the government, institutional and non-profit ("GINP") and low-income sectors; (2) approving tariff provisions to implement a Section 1307 surcharge to recover Phase II Plan costs; (3) approving Phase II treatment for certain Phase I projects; (4) approving the CSP contract between PECO and JACO Environmental; and (5) approving and adopting the Stipulation between PECO and CAUSE-PA (PECO/CAUSE-PA Exhibit 1).

Respectfully submitted,

Thomas P. Gadsden (Pa. No. 28478)
Catherine G. Vasudevan (Pa. No. 210254)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Phone: 215.963.5234
Fax: 215.963.5001
tgadsden@morganlewis.com

Romulo L. Diaz, Jr. (Pa. No. 88795)
Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
Exelon Business Services Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Phone: 215.841.4635
Fax: 215.568.3389
romulo.diaz@exeloncorp.com
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Dated: January 24, 2013

Counsel for PECO Energy Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY COMPANY FOR APPROVAL OF ITS ACT 129 PHASE II ENERGY EFFICIENCY AND CONSERVATION PLAN	:	**DOCKET NO. M-2012-2333992**

CERTIFICATE OF SERVICE

I hereby certify that I have this date served true and correct copies of: (1) **Reply Brief**; and (2) **Revised Phase II Energy Efficiency And Conservation Plan** upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA ELECTRONIC AND OVERNIGHT MAIL

Honorable Dennis J. Buckley
Administrative Law Judge
Office of Administrative Law Judge
400 North Street
Harrisburg, PA 17105
debuckley@pa.gov

RECEIVED
JAN 24 2013
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA ELECTRONIC AND FIRST CLASS MAIL

Jennedy S. Johnson
Aron J. Beatty
Assistant Consume Advocates
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
jjohnson@paoca.org
abeatty@paoca.org

Daniel G. Asmus
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street
Commerce Building, Suite 1102
Harrisburg, PA 17101
dasmus@pa.gov

Heather M. Langeland
PennFuture
200 First Street, Suite 200
Pittsburgh, PA 15222
langeland@pennfuture.org
Counsel for PennFuture

Harry S. Geller
Patrick M. Cicero
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
Counsel for CAUSE-PA

Derrick Price Williamson
Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com
Counsel for Wal-mart Stores East, LP and Sam's East, Inc.

Charis Mincavage
Adeolu A. Bakare
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PA 17108-1166
cmincavage@mwn.com
abakare@mwn.com
Counsel for the Philadelphia Area Industrial Energy Users Group

Jeffrey J. Norton
Carl R. Shultz
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
jnorton@eckertseamans.com
cshultz@eckertseamans.com
Counsel for Comverge, Inc.

J. Barry Davis
Scott J. Schwarz
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
j.barry.davis@phila.gov
scott.schwarz@phila.gov
Counsel for City of Philadelphia

TPGadsden

Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
Exelon Business Services Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Phone: 215.841.4635
Fax: 215.568.3389
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Thomas P. Gadsden (Pa. No. 28478)
Catherine G. Vasudevan (Pa. No. 210254)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Phone: 215.963.5234
Fax: 215.963.5001
tgadsden@morganlewis.com
cvasudevan@morganlewis.com

Counsel for PECO Energy Company

Date: January 24, 2013

ORIGIN ID: REDA (215) 963-5317
MAILROOM
MORGAN LEWIS & BOCKIUS LLP
1701 MARKET STREET

PHILADELPHIA, PA 19103
UNITED STATES US

SHIP DATE: 24JAN13
ACTWGT: 5.8 LB
CAD: 0684922/CAFE2605

BILL SENDER

TO ROSEMARY CHIAVETTA
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG PA 17120

REF: 00705-001515-1296

FedEx
Express

E

J121312081160125

FRI - 25 JAN A1
PRIORITY OVERNIGHT

TRK# 0201 5380 3867 9766

ZN MDTA

17120
PA-US MDT

Part # 156148-434 RIT2 07/12