**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Electric Company for :

Approval of a Distribution System Improvement : P-2015-2508936

Charge :

Office of Consumer Advocate :

: C-2016-2531060

v. :

:

Pennsylvania Electric Company :

**PREHEARING CONFERENCE ORDER**

On June 9, 2016, the Pennsylvania Public Utility Commission (Commission) entered an Opinion and Order approving a petition for a Distribution System Improvement Charge (DSIC) filed by Pennsylvania Electric Company (Penelec). In the Order, the Commission determined that the petition complies with the requirements of Act 11 of 2012 (Act 11) and the Commission’s Final Implementation Order implementing Act 11. Implementation of Act 11 of 2012, Docket No. M-2012-2293611 (entered Aug. 2, 2012). The Commission found the petition to be consistent with applicable law and Commission policy and allowed the tariff to go into effect on July 1, 2016. The Commission, however, also referred the matter to the Office of Administrative Law Judge (OALJ) for hearing and preparation of a recommendation decision regarding various issues raised in response to the petition.

As a result, on July 20, 2016, the Commission issued a Hearing Notice establishing an Initial Prehearing Conference for this case for **Wednesday, August 10, 2016 at 10:30 a.m.** in Hearing Room 5 of the Commonwealth Keystone Building in Harrisburg and assigning me as the Presiding Officer.

In anticipation of the Initial Prehearing Conference and in accordance with Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and Section 5.221-5.224 of the Commission’s regulations, 52 Pa. Code §§ 5.221-5.224, this Prehearing Conference Order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held **Wednesday, August 10, 2016 at 10:30 a.m.** in Hearing Room 5 in the Commonwealth Keystone Building, Harrisburg, Pennsylvania.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa. Code §§1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve me directly with a copy of any document that you file in this proceeding. My address is:

Joel H. Cheskis

Administrative Law Judge

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17105-3265

Telephone: (717) 783-5452

Email: [jcheskis@pa.gov](mailto:jcheskis@pa.gov)

If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

1. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code §5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. That pursuant to 52 Pa.Code §1.55 (Service on Attorneys) each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number and business e-mail address (if any) of the person they wish to have listed on the service list.
2. That on or before **Wednesday, August 3, 2016** the parties shall serve me and each other with a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) A proposed plan and schedule of discovery.

d.) A proposed schedule for litigation.

e.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.

f.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.

1. That parties serving pre-served testimony pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.
2. That any party wishing to remain on the service list for this case must appear at the Initial Prehearing Conference or take an affirmative step indicating their desire to remain on the service list no later than August 10, 2016. **Any party on the Commission’s current service list who has not taken such actions will be removed from the service list**.
3. That a request for a change of the scheduled initial prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing no

later than five (5) days prior to the initial prehearing conference. 52 Pa. Code §1.15(b). Requests for change must be sent to me with copies to all parties of record.

Date: July 21, 2016

Joel H. Cheskis

Administrative Law Judge

**P-2015-2508936 PENNSYLVANIA ELECTRIC COMPANY FILED PETITION FOR APPROVAL OF LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN.**

JOHN L MUNSCH ESQUIREFIRST ENERGY CORP800 CABIN HILL DRIVEGREENSBURG PA 15601**724.838.6210***Accepts E-service*

*Representing Pennsylvania Electric Company*ANTHONY C DECUSATIS ESQUIREMORGAN LEWIS & BOCKIUS LLP1701 MARKET STREETPHILADELPHIA PA 19103-2921**215.963.5034***Accepts E-service*

*Representing Pennsylvania Electric Company*

DARRYL A LAWRENCE ESQUIRE

ERIN L GANNON ESQUIRE

OFFICE OF CONSUMER ADVOCATE555 WALNUT STREET 5TH FLOORFORUM PLACEHARRISBURG PA 17101**717.783.5048**

*Accepts E-service*

*Representing Office of Consumer Advocate*

**C-2016-2531060** *Pennsylvania Electric Company*

DANIEL G ASMUS ESQUIREOFFICE OF SMALL BUSINESS ADVOCATE300 NORTH SECOND STREET SUITE 202HARRISBURG PA 17101**717.783.2525**

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CHARIS MINCAVAGE ESQUIRE

ALESSANDRA L HYLANDER ESQUIRE

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*Accepts E-service*

*Representing Penelec Industrial Customer*

*Alliance*

GEORGE JUGOVIC JR ESQUIRECITIZENS FOR PENNSYLVANIA'S FUTURE200 FIRST AVENUE SUITE 200PITTSBURGH PA 15222**412.456.2785***Accepts E-service*

*Representing Citizens for Pennsylvania’s Future and Environmental Defense Fund*

JOHN FINNIGAN ESQUIREENVIRONMENTAL DEFENSE FUND128 WINDING BROOK LANETERRACE PARK OH 45174**513.226.9558**

*Accepts E-service*

*Representing* *Citizens for Pennsylvania’s Future and Environmental Defense Fund*

E MCCAULEY2550 STATE ROUTE 49WESTFIELD PA 16950-1009**814.334.5527**

*Complainant*

**C-2016-2539252** *Pennsylvania Electric Company*

MICHELE PERRY1037 VANKIRK ROADNEWFIELD NY 14867**607.379.1949**

*Complainant*

**C-2016-2542019** *Pennsylvania Electric Company*