

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Docket No. R-2018-3000164

PECO Energy Company

TESLA INC.'S PREHEARING CONFERENCE MEMORANDUM

Pursuant to the April 20, 2018 prehearing conference order issued by Pennsylvania Public Utility Commission (“Commission”) Deputy Chief Administrative Law Judge (“ALJ”) Christopher P. Pell and Administrative Law Judge F. Joseph Brady in the above-referenced proceeding, Tesla Inc. (“Tesla”) respectfully submits this Prehearing Conference Memorandum.

I. History of these Proceedings

On March 29, 2018, PECO Energy Company (PECO) filed proposed Tariff Electric-Pa. P.U.C. No. 6 to become effective May 28, 2018. Tariff No. 6 sets forth proposed rates designed to produce an increase in PECO’s annual distribution revenue of approximately \$82 million, or 2.2% on the basis of total Pennsylvania jurisdictional operating revenue.

By Order entered April 19, 2018, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S.A. § 1308(d), Tariff Electric-Pa. P.U.C. No. 6 was suspended by operation of law until December 28, 2018, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness and reasonableness of PECO’s existing rates, rules, and regulations. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

In accordance with the Commission’s April 19, 2018, Order, the matter was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge F. Joseph Brady.

Our Petition to Intervene was filed on May 3, 2018. Prior to that date, on April 20, 2018, the Commission ALJs issued a prehearing conference order proposing a procedural schedule, setting a prehearing conference, and ordering parties to submit a prehearing conference memorandum by Friday, May 4 2018 at 12:00 pm. Therefore, this filing is timely.

II. Prehearing Conference Order Agenda Items

1) A proposed plan and schedule of discovery

- a. Tesla is amenable to reasonable modification to the Commission's discovery rules as has become customary to accommodate reduced response time and email service, and we have communicated our agreement regarding those changes with the parties, which we understand will be proposed in PECO's prehearing memorandum to be filed later today.

2) Possibility of settlement

- a. Tesla intends to participate in settlement discussions.

3) Issues

- a. Tesla primarily seeks permission to intervene in PECO's request for a general rate increase to examine the effect of PECO's proposed Electric Vehicle DCFC Pilot Rider (EV-FC). Given Tesla's extensive expertise and experience with the impacts of electric utility tariffs and their relationship with the development of electric vehicle charging, Tesla's participation is essential.

4) Amount of hearing time needed

- a. Tesla takes no position at this time.

5) Witnesses

- a. Tesla has not yet determined whom it will present as witnesses or the specific subject matter of any testimony to address the issues identified below or the issues that may be raised by other parties.

6) Schedule for submission of testimony, hearings and briefs

- a. Tesla will cooperate with the parties and Your Honors to establish a reasonable litigation schedule to adjudicate this proceeding and we have communicated our agreement with the parties regarding the proposed

schedule, which we understand will be set forth in PECO's prehearing memorandum to be filed later today.

- 7) **Public Input hearings**
 - a. Tesla takes no position at this time.
- 8) **Any other appropriate matter**
 - a. Tesla takes no position at this time.

Respectfully submitted,



Mark C. Hammond, Esquire
PA Attorney ID # 75032
Land Air Water Legal Solutions, LLC
1000 Westlakes Dr., Suite 150
Berwyn, PA 19312
mhammond@landairwater.com
(p) 610-898-3854
(f) 877-853-9404

Date: May 4, 2018

Counsel for Tesla Inc.

Certificate of Service

I, Mark Hammond, hereby certify that on the 4th day of May, 2018, a true and correct copy of the foregoing Pre-Hearing Conference Memorandum was filed electronically on the Commission's electronic filing system and was served on the following persons via electronic and/or first class mail:

Romulo L. Diaz, Jr., Esq.
Jack R. Garfinkle, Esq.
W. Craig Williams, Esq.
Michael S. Swerling, Esq.
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101
Romulo.diaz@exeloncorp.com
Jack.garfinkle@exeloncorp.com
Craig.williams@exeloncorp.com
Michael.swerling@exeloncorp.com

Kenneth M. Kulak, Esq.
Anthony C. DeCusatis, Esq.
Brooke McGlinn, Esq.
Catherine G. Vasudevan, Esq.
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
Ken.kulak@morganlewis.com
Anthony.decusatis@morganlewis.com
bmcglinn@morganlewis.com
cvasudevan@morganlewis.com

*Representing PECO Energy Company
(via electronic and first-class mail)*

The Honorable Christopher P. Pell
Deputy Chief Administrative Law Judge
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
CPell@pa.gov
(via electronic and first-class mail)

The Honorable F. Joseph Brady
Administrative Law Judge
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
FBrady@pa.gov
(via electronic and first-class mail)

Roger E. Clark, Esq.
905 Denston Drive
Ambler, PA 19002
roger@rogerclarkconsulting.com

*Representing Delaware Valley
Region Planning Commission
(via electronic mail)*

Christy Appleby, Esq.
Hayley Dunn, Esq.
Aron Beatty, Esq.
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
cappleby@paoca.org
hdunn@paoca.org
abeatty@paoca.org

*Representing Office of Consumer Advocate
(via electronic and first-class mail)*

Elizabeth Rose Triscari, Esq.
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
etriscari@pa.gov

*Representing Office of Small Business Advocate
(via electronic and first-class mail)*

Charis Mincavage, Esq.
Adeolu Bakare, Esq.
Alessandra Hylander, Esq.
McNees Wallace & Nurick LLC
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
ahylander@mcneeslaw.com

*Representing PAIEUG
(via electronic and first-class mail)*

Carrie B. Wright, Esq.
PA Public Utility Commission
Bureau of Investigation & Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
carwright@pa.gov
wfreet@pa.gov

*Representing Bureau of
Investigation & Enforcement
(via electronic and first-class mail)*

Joseph L. Vullo, Esq.
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrllaw.com

*Representing Community Action
Association of PA
(via electronic and first-class mail)*

Patrick M. Cicero, Esq.
Kadeem G. Morris, Esq.
Elizabeth R. Marx, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net

*Representing CAUSE-PA
(via electronic mail)*

David P. Zambito, Esq.
Jonathan P. Nase, Esq.
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

Roman Petyk, Esq.
The University of Pennsylvania
Office of General Counsel
2929 Walnut Street
FMC Tower, Suite 400
Philadelphia, PA 19104-5099
Roman.petyk@ogc.upenn.edu

*Representing University of Pennsylvania
(via electronic and first-class mail)*

Joline R. Price, Esq.
Robert W. Ballenger
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
jprice@clsphila.org
rballenger@clsphila.org

*Representing TURN, et al.
(via electronic and first-class mail)*

Donald R. Wagner, Esq.
Linda R. Evers, Esq.
Michale A. Gruin, Esq.
Stevens & Lee
111 N. Sixth Street
Reading, PA 19601
drw@stevenslee.com
lre@stevenslee.com
mag@stevenslee.com

Greg Tillman
Walmart Inc.
2001 Southeast 10th Street
Bentonville, AR 72716-5530
Greg.tillman@walmart.com

*Representing Walmart
(via electronic mail)*

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, PA 17815-2036
Scott.j.rubin@gmail.com

Charles T. Joyce, Esq.
Spear Wilderman, P.C.
230 South Broad Street, Suite 1400
Philadelphia, PA 19102
ctjoyce@spearwilderman.com

*Representing IBEW Local 614
(via electronic mail)*


Deanne M. O'Dell, Esq.
Sarah C. Stoner, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com
sstoner@eckertseamans.com

*Representing RESA
(via electronic and first-class mail)*

Karen O. Moury, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
kmoury@eckertseamans.com

*Representing NRG Energy, Inc.
(via electronic and first-class mail)*

May 4, 2018



Mark C. Hammond, Esquire
PA Attorney ID # 75032
Land Air Water Legal Solutions, LLC
1000 Westlakes Dr., Suite 150
Berwyn, PA 19312
mhammond@landairwater.com
(p) 610-898-3854
(f) 877-853-9404

Counsel for Tesla Inc.