
Devin Ryan
Principal

dryan@postschell.com
717-612-6052 Direct
717-731-1981 Direct Fax
File #: 182143

January 4, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Joint Petition for Consolidation of Proceedings and Approval of the Phase IV Energy Efficiency and Conservation Plan of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company - Docket Nos. M-2020-3020820, M-2020-3020821, M-2020-3020822, M-2020-3020823

Dear Secretary Chiavetta:

Enclosed is the Prehearing Conference Memorandum of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company, for filing in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/jl
Enclosures

cc: Honorable Mark A. Hoyer
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

Erin K. Fure
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Forum Place
Harrisburg, PA 17101
E-mail: efure@pa.gov

Christy M. Appleby, Esquire
Aron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Harrisburg, PA 17101
E-mail: CAappleby@paoca.org
E-mail: ABeatty@paoca.org

John W. Sweet, Esquire
Elizabeth R. Marx, Esquire
Ria M. Pereira, Esquire
118 Locust Street
Harrisburg, PA 17101
E-mail: pulp@palegalaid.net
CAUSE-PA

Joseph L. Vullo, Esquire
1460 Wyoming Avenue
Forty Fort, PA 18704
E-mail: jlvullo@bvrrlaw.com
CAAP

Date: January 4, 2021



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Consolidation of	:	
Proceedings and Approval of the Phase IV	:	Docket Nos. M-2020-3020820
Energy Efficiency and Conservation Plan	:	M-2020-3020821
of Metropolitan Edison Company,	:	M-2020-3020822
Pennsylvania Electric Company,	:	M-2020-3020823
Pennsylvania Power Company, and West	:	
Penn Power Company	:	

**PREHEARING CONFERENCE MEMORANDUM OF
METROPOLITAN EDISON COMPANY, PENNSYLVANIA
ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, AND
WEST PENN POWER COMPANY**

TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE MARK A. HOYER:

Pursuant to 52 Pa. Code § 5.222(d) and the Prehearing Conference Order dated December 30, 2020, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, the “Companies”) hereby submit this Prehearing Conference Memorandum.

I. BACKGROUND

On November 30, 2020, the Companies filed the above-captioned Joint Petition with the Pennsylvania Public Utility Commission (“Commission”). This filing was made pursuant to Act 129 of 2008 (“Act 129”), P.L. 1592, 66 Pa. C.S. §§ 2806.1 and 2806.2, and the Commission’s Implementation Order entered on June 18, 2020.¹

In its Petition, the Companies requested Commission approval of the Companies’ Phase IV Energy Efficiency and Conservation (“EE&C”) Plan (“Phase IV Plan”). The Phase IV Plan includes a suite of programs that are designed to meet the additional consumption

¹ *Energy Efficiency and Conservation Program*, Docket No. M-2020-3015228 (Implementation Order entered June 18, 2020) (“*Implementation Order*”).

reduction targets and coincident peak demand reduction targets adopted by the Commission's Phase IV Implementation Order during the five-year period from June 1, 2021, through May 31, 2026 ("Phase IV Period").

On December 11, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") filed a Petition to Intervene and Answer.

On December 21, 2020, the Community Action Agency of Pennsylvania ("CAAP") filed a Petition to Intervene. Additionally, the Office of Small Business Advocate ("OSBA") filed a Notice of Intervention, Public Statement, Verification, and Notice of Appearance. Further, the Office of Consumer Advocate ("OCA") filed a Notice of Intervention and Public Statement.

On December 30, 2020, a Prehearing Conference Order was issued, which scheduled a prehearing conference for 10:00 AM on January 5, 2021, and directed the parties to file prehearing conference memoranda on or before 2:00 PM on January 4, 2021.

II. SERVICE OF DOCUMENTS

The Companies' attorneys in this proceeding are John L. Munsch, Esquire, David B. MacGregor, Esquire, and Devin T. Ryan, Esquire. The Companies request that Mr. Ryan be listed as the recipient for service. Mr. Ryan's contact information is provided below:

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com

The Companies also request that Mr. Munsch and Mr. MacGregor be added to any informal e-mail distribution lists in this proceeding. Mr. Munsch's e-mail address is jmunsch@firstenergycorp.com, and Mr. MacGregor's e-mail address is

dmacgregor@postschell.com. In addition, the Companies agree to receive service of documents electronically in this proceeding.

III. WITNESSES AND ISSUES

A list of witnesses and a description of testimony is provided below. The testimony and related exhibits fully support the Companies' proposed Phase IV Plan and demonstrate that the Plan, including the proposed cost-recovery mechanism, is just, reasonable, and consistent with the requirements of Act 129 and the *Implementation Order*. The Companies reserve the right to call additional witnesses, as necessary, to address issues that may arise during the course of this proceeding.

<u>Witness</u>	<u>Statement</u>	<u>General Subject Matter</u>
Kurt E. Turosky Director-Energy Efficiency Compliance and Reporting FirstEnergy Service Company 76 S. Main Street Akron, OH 44308 Phone: 330-384-5847	Met-Ed/Penelec/Penn Power/West Penn Statement No. 1	Overview of the Companies, the Phase IV Plan, and the Companies' EE&C Team; Companies' Stakeholder Process; Administration and Implementation of Phase IV Plan; and Companies' Competitive Bidding/Contracting Process
Edward C. Miller Manager-Compliance and Development FirstEnergy Service Company 800 Cabin Hill Drive Greensburg, PA 15601 Phone: 724-838-6119	Met-Ed/Penelec/Penn Power/West Penn Statement No. 2	Summary of Phase IV Targets; Details of the Phase IV Plan; Development and Implementation of the Phase IV Plan; and Phase IV Plan's Compliance with Act 129 and Commission's Orders
Anthony J. Woytko Analyst-Rates and Regulatory Affairs FirstEnergy Service Company 2800 Pottsville Pike Reading, PA 19605 Phone: 610-921-6536	Met-Ed/Penelec/Penn Power/West Penn Statement No. 3	Proposed Cost Recovery Mechanisms for the Phase IV Plan; Determination of Rates; and Final Cost Recovery of Phase III Plan

IV. PROCEDURAL SCHEDULE

The Companies have conferred with the parties in this proceeding on an appropriate procedural schedule. Accordingly, the Companies propose the following procedural schedule:

Other parties' direct testimony	January 13, 2021
Rebuttal testimony	January 21, 2021
Comments	January 22, 2021
Hearing	January 22, 2021
Main briefs	January 29, 2021
Reply comments/revised plan	February 10, 2021
Record certification	February 11, 2021

The Companies will continue to work with the parties on developing a mutually-agreeable procedural schedule in advance of the prehearing conference.

V. DISCOVERY

Recognizing the expedited nature of this litigation, the Companies propose the following modifications to the Commission's procedural rules regarding discovery:

1. Answers to written interrogatories shall be served in-hand within five (5) calendar days of service of the interrogatories.
2. Objections to interrogatories shall be communicated orally within two (2) calendar days of service of the interrogatories. Unresolved objections shall be served in writing within three (3) calendar days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of the written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
5. Rulings on such motions shall be issued, if possible, within seven (7) calendar days of the filing of the motions.
6. Requests for admissions will be deemed admitted unless answered within five (5) calendar days or objected to within three (3) calendar days of service of the requests.
7. Any discovery served after 12:00 PM on a Friday will be deemed to have been served on the following business day.
8. All discovery due dates be "in-hand." Electronic or fax service on the due date will satisfy the "in-hand" requirement.

Currently, the Companies are not aware of any outstanding discovery disputes; however, the Companies are willing to work with the parties, through informal discovery, to expedite discovery.

VI. PUBLIC INPUT HEARINGS

The Companies are not aware of any substantial consumer interest with respect to this proceeding. The Companies do not propose that any public input hearings be held absent substantial public interest in this proceeding and specific requests for such hearings.

VII. PROTECTION OF CONFIDENTIAL INFORMATION

If necessary and should the case proceed to hearing, the Companies will timely submit an appropriate Motion for Protective Order.

VIII. CONSOLIDATION

As explained in the Companies' Joint Petition, the Companies respectfully request that their Phase IV EE&C Plan proceedings at Docket Nos. M-2020-3020820, M-2020-3020821, M-2020-3020822, and M-2020-3020823 be consolidated for purposes of discovery, litigation, and disposition. The Companies' proposed Phase IV Plan covers all of the proposed EE&C programs and measures that are designed to achieve each Company's electric consumption and peak demand reduction targets for Phase IV. The Companies' Phase IV EE&C-C Riders are substantially similar and raise overlapping issues of fact and law.

IX. SETTLEMENT

To date, no formal settlement discussions have been held. However, the Companies will be working with the parties in an effort to resolve this proceeding through settlement.

Respectfully submitted,



John L. Munsch (ID # 31489)
FirstEnergy Service Company
800 Cabin Hill Drive
Greensburg, PA 15601
Phone: (724) 838-6210
Fax: (234) 678-2370
Email: jmunsch@firstenergycorp.com

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: (215) 587-1197
Fax: (215) 320-4879
Email: dmacgregor@postschell.com

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: (717) 731-1970
Fax: (717) 731-1985
Email: dryan@postschell.com

Dated: January 4, 2021

Counsel for:
Metropolitan Edison Company,
Pennsylvania Electric Company,
Pennsylvania Power Company and
West Penn Power Company