**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy :

For an Evidentiary Hearing on the Energy : P-2012-2320334

Efficiency Benchmarks Established for the Period :

June 1, 2013 through May 31, 2016 :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

HISTORY OF THE PROCEEDING

On August 3, 2012, the Commission entered an Implementation Order regarding the *Energy Efficiency and Conservation Program* at Docket Nos. M-2012-2289411 and M-2008-2069887. The Commission established energy efficiency (“EE”) (but not peak demand reduction (“PDR”)) benchmarks for the period June 1, 2013 through May 31, 2016 (“Phase II Period”). The Commission gave the electric distribution companies until August 20, 2012, within which time to accept the Commission’s proposed consumption reduction benchmarks, or to file a petition for an evidentiary hearing, otherwise the energy efficiency benchmarks would be deemed accepted. *Id.*

PECO Energy Company (PECO) filed a Petition for an Evidentiary Hearing on August 20, 2012. The petition was assigned Docket No. P-2012-2320334. The petition for an evidentiary hearing was assigned to the Office of Administrative Law Judge with a certified record deadline of November 2, 2012.

 An Initial Prehearing Conference was held on September 10, 2012. Seven petitions to intervene by the following intervenors were granted by a *Scheduling Order* dated September 13, 2012, including: 1) the Community Action Association of Pennsylvania (CAPP); 2) the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA); 3) the Clean Air Council (CAC) and Sierra Club; 4) Comverge, Inc.; 5) Citizens for Pennsylvania’s Future (PennFuture); 6) Duquesne Light Company; and 7) the Philadelphia Area Industrial Energy Users Group (PAIEUG).

 On October 3, 2012, a hearing was held regarding the energy efficiency benchmarks. A transcript was filed on October 9, 2012. Main briefs were filed on October 19, 2012 and Reply briefs were filed on October 30 and 31, 2012.

THEREFORE,

IT IS ORDERED THAT THE FOLLOWING DOCUMENTS COMPRISE THE EVIDENTIARY RECORD IN THIS CASE:

1. Petition of PECO Energy Company for an Evidentiary Hearing filed on August 20, 2012, at Docket No. P-2012-2320334.

2. Clean Air Council’s Motion to Admit Pro Hac Vice Zachary Fabish, Esquire, filed on August 30, 2012.

3. Community Action Association of Pennsylvania’s Petition to Intervene filed on August 29, 2012.

4. *Prehearing Conference Order* entered on August 29, 2012.

5. Comverge, Inc.’s Petition to Intervene filed on August 30, 2012.

6. Citizens for Pennsylvania’s Future’s Petition to Intervene filed on August 30, 2012 and again on September 5, 2012.

7. Duquesne Light Company’s Petition to Intervene filed on August 30, 2012.

8. Clean Air Council and Sierra Club’s Petition to Intervene filed on August 30, 2012.

9. Office of Consumer Advocate’s Notice of Intervention filed on August 30, 2012.

10. The transcript of the prehearing conference held on September 10, 2012, consisting of pages 1 through 18.

11. *Protective Order* entered on September 11, 2012.

12. *Scheduling Order* entered on September 13, 2012.

13. PECO Energy Company’s Motion In Limine to Exclude from the Record Portions of the Direct Testimony of Glenn Reed, filed on September 28, 2012.

14. Citizens for Pennsylvania’s Future’s Response to PECO Energy Company’s Motion In Limine to Exclude From the Record Portions of the Direct Testimony of Glenn Reed, filed on October 1, 2012.

15. Verification Statements of Glenn Reed and Courtney Lane filed on October 2, 2012.

16. The transcript of the evidentiary hearing held at 9:00 a.m. on October 3, 2012, consisting of pages 19 through 80.

17. The Submissions of PECO Energy Company entitled as follows:

PECO Statement No. 1, Prepared Direct Testimony of Frank J. Jiruska.

PECO Exhibits FJJ-1 through FJJ-8.

PECO Statement No. 1-R, Rebuttal Testimony of Frank J. Jiruska.

18. The submissions of PennFuture as follows:

PennFuture Exhibit 1, Direct Testimony of Glenn Reed, (late-filed on October 11, 2012).

19. The submissions of the Statewide Evaluator, entitled as follows:

SWE Statement 1 (Electric Energy Efficiency Potential for Pennsylvania)

Appendix 1 (Avoided Costs and General Model Inputs by EDC)

Appendix 2 (Residential Sector Data)

Appendix 2.2 (Measure Level TRC Ratios by EDC)

Appendix 2.3 (Measure Level Levelized Costs by EDC)

Appendix 3 (Commercial & Industrial End Use and Saturation Study)

SWE Statement 2 (Pennsylvania Statewide Residential End-Use and Saturation Study)

SWE Statement 3 (Pennsylvania Statewide Commercial & Industrial End Use & Saturation Study

SWE Appendix 4 (Curriculum Vitae of Richard Spellman, Patrick Burns, Salil Gogtes and Verification of Richard Spellman)

20. The submissions of Duquesne Light Company as follows:

Duquesne Light Statement 1, Prepared Direct Testimony of David Defide

Affidavit of David Defide dated October 1, 2012.

21. The submissions of Clean Air Council and Sierra Club as follows:

CAC/SC Exhibit 1 (Annual Report to the PaPUC for the Period June 2009 through May 2010, Program Year 2009, for Pennsylvania Act 129 of 2008 Energy Efficiency and Conservation Plan, PECO Energy Company)

CAC/SC Exhibit 2 (Annual Report to the PaPUC for the Period June 2010 through May 2011, Program Year Two, for Pennsylvania Act 129 of 2008 Energy Efficiency and Conservation Plan, PECO Energy Company)

CAC/SC Exhibit 3 (Quarterly Report to the PaPUC and Preliminary Annual Report for the Periods March through May 2012, Program Year 3, Quarter 4, and Program Year 3 Totals, for Pennsylvania Act 129 of 2008 Energy Efficiency and Conservation Plan, PECO Energy Company)

22. Main briefs filed on October 19, 2012 by: 1) Citizens for Pennsylvania’s Future; 2) PECO Energy Company; 3) Clean Air Council and Sierra Club; 4) Office of Consumer Advocate; 5) Comverge, Inc.; and 6) Duquesne Light Company.

23. Reply Briefs filed on October 30 - 31, 2012 by: 1) Citizens for Pennsylvania’s Future; 2) PECO Energy Company; 3) Comverge, Inc.; and 4) Clean Air Council and Sierra Club.

Dated: November 2, 2012 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Elizabeth H. Barnes

 Administrative Law Judge