

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :  
For Approval of An Energy : M-2009-2093216  
Efficiency and Conservation Plan :

**PREHEARING CONFERENCE ORDER**

A prehearing conference has been scheduled in the above-captioned case for Monday, July 27, 2009 at 1:00 pm. in Hearing Room #3, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA.

THEREFORE,

IT IS ORDERED:

1. **All parties must serve me directly** (electronically at [scolwell@state.pa.us](mailto:scolwell@state.pa.us) and by hard copy) with any document you file in this proceeding. If you send me any document or correspondence, you must send a copy to all other parties in the case. The current service list is attached to this order. The correct address is Administrative Law Judge Susan D. Colwell, P.O. Box 3265, Harrisburg PA 17105-3265.

2. Parties shall be limited to those persons or entities who: (1) file a petition to intervene pursuant to 52 Pa. Code §5.71-76 (or a notice of intervention for those entities with a statutory right of participation pursuant to 52 Pa. Code §5.72(b)(4)) on or before July 27, 2009, at 1:00 pm, and (2) attend the initial prehearing conference. After the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa. Code §§5.71-5.76. Petitions to intervene, if not untimely or otherwise defective on their face, shall be

deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

3. Pursuant to 52 Pa. Code §1.55, each party shall be limited to one entry on the service list, although there can be more than one name listed. Parties shall provide the name, business address, business telephone number, business fax number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list. Parties may arrange service among themselves as they agree. Pursuant to 52 Pa. Code §5.154(c), the parties are permitted without further order to limit the service of documents to parties who indicate that they do not wish to be served with such documents.

4. 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, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political 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 ensure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

5. 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 shall constitute a waiver of all objections to the agreements reached, and any order or ruling with respect thereto.

6. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222. Be prepared to discuss possibilities for settlement, discovery issues, issues relating to the public input and evidentiary hearings that will be held, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. 52 Pa. Code § 5.222.

7. All of the following matters shall be addressed at the prehearing conference:

(a) Establishment of the official service list, and an informal e-mail distribution list.

(b) Scheduling of at least one public input hearing in PPL's service territory.

(c) Modification of the Commission's rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code §5.421)

(d) Other matters that may aid in the orderly conduct and disposition of the proceeding and the furtherance of justice, including but not limited to the following:

(1) Simplification of the issues;

(2) The obtaining of admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;

(3) Limitations as to the number of witnesses.

(4) Limitations of time and scope for direct and cross-examinations

8. The following schedule will be adopted, pursuant to *Energy Efficiency and Conservation Program*, Docket no. M-2008-2069887, Implementation Order, entered January 16, 2009, and Reconsideration Order, entered June 2, 2009:

Filing of PPL's EE&C plan	July 1, 2009
Publication in <i>Pennsylvania Bulletin</i>	July 18, 2009
Prehearing conference	July 27, 2009
Answers/comments/recommendations	August 7, 2009
Public input hearing	July 30, 2009
Evidentiary hearings	August 17-18, 2009
Main briefs	August 27 or 28, 2009
Reply briefs	September 8 or 9, 2009
Revised plan/reply comments	September 8 or 9, 2009
Certification of record to the Commission	upon close of the record
Completion of Commission review	October 29, 2009

8. On or before 12:00 p.m., **Friday July 24, 2009**, each party shall file and serve a prehearing memorandum which shall include a list of the issues and sub-issues in 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 and briefing schedule, and the names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness' testimony. If a party is unable to prepare and serve a prehearing memorandum, it must be prepared to state on the record the issues they intend to address and the witnesses to be presented.


9. The parties are directed to cooperate and exchange information, either on an informal or formal basis. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions. In light of the expedited schedule, all discovery requests should be as narrowly tailored as possible and parties should coordinate their discovery if possible; responses are due on a best-efforts basis. The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. If the objections are not resolved, counsel will alert the presiding officer by e-mail of the need for a ruling, and a conference call will be scheduled. The presiding officer will make a ruling over the telephone and not reduce it to writing unless requested to do so. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-5.372.

10. The parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

11. The parties are to confer among themselves in an attempt to resolve all or some of the issues associated with this Petition. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore this possibility. A joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served in-hand on me.

12. The main briefs are due in hand within 10 days after conclusion of the hearing. Reply briefs and PPL's revised plan and/or reply comments are due in hand within 10 days after filing of the main briefs. Main briefs, reply briefs, and any revised plan or reply comments shall be served directly on the Commission's Office of Special Assistants. The parties are expected to follow the common briefing outline attached to this prehearing order.

Date: July 1, 2009

  
Susan D. Colwell  
Administrative Law Judge

**Act 129**  
**Common Outline for Briefs**

- I. Introduction
- II. Procedural History
- III. Description of EDC Plan
- IV. Summary of Argument
- V. Argument
  - A. Act 129 Conservation and Demand Reduction Requirements
    - 1. Overall Conservation Requirements
      - a. 2011 Requirements
      - b. 2013 Requirements
    - 2. Overall Demand Reduction Requirements
    - 3. Requirements for a Variety of Programs Equitably Distributed
    - 4. 10% Government/Non-Profit Requirement
    - 5. Low Income Program Requirements
    - 6. Issues Relating to Individual Conservation and Demand Reduction Programs
      - a. Residential
      - b. Commercial
      - c. Industrial
    - 7. Proposals for Improvement of EDC Plan

- a. Residential
- b. Commercial
- c. Industrial

B. Cost Issues

- 1. Plan Cost Issues
- 2. Cost Effectiveness/Cost-Benefit Issues
- 3. Cost Allocation Issues
- 4. Cost Recovery Issues

C. CSP Issues

D. Implementation and Evaluation Issues

- 1. Implementation Issues
- 2. QA Issues
- 3. Monitoring and Reporting Issues
- 4. Evaluation Issues

E. Other Issues

VI. Conclusion

VII. Proposed Ordering Paragraphs

M-2009-2093216 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR APPROVAL OF AN ENERGY EFFICIENCY AND CONSERVATION PLAN

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