

**BEFORE THE
Pennsylvania Public Utility Commission**

Re: Petition of PPL Electric Utilities Corporation for
Approval of an Energy Efficiency and Conservation Plan,
Docket No. M-2009-2093216

Petition to Intervene

July 24, 2009

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dear Secretary McNulty:

Eric Joseph Epstein (“Epstein” or “Mr. Epstein”) hereby submits an original and three (3) copies of his Pre hearing Memorandum in the above-captioned proceeding. Mr. Epstein intends to fully participate in this proceeding as an "active" party. Mr. Epstein also intends to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions, and reply exceptions, if necessary.

Respectfully submitted,

Eric Joseph Epstein, *Pro se*
4100 Hillsdale Road
Harrisburg, PA 17112
(717)-541-1101 Phone
lechambon@comcast.net

DATE: July 24, 2009

Prehearing Memorandum of

Eric Joseph Epstein, *Pro se*

Re: Petition of PPL Electric Utilities Corporation for
Approval of an Energy Efficiency and Conservation Plan,
Docket No. M-2009-2093216

I. History of the Proceeding

1) On July 1, 2009 PPL Electric Utilities filed its Act 129 Energy Efficiency and Conservation Plan (“EE&C Plan”) with the Pennsylvania Public Utility Commission (“PUC” or “Commission”).

2) On July 15, 2009 of Eric Joseph Epstein's (“Mr. Epstein” or “Epstein”) Petition filed a to Intervene in the Above-Referenced Proceeding. This Petition was filed Pursuant to Commission Regulations, 52 Pennsylvania Code § Sections 5.71-5.74.

3) On July 22, 2009, Eric Joseph Epstein received a Prehearing Order from the The Honorable Susan D. Colwell Administrative Law Judge (“ALJ”) with the Pennsylvania Public Utility Commission (“PUC” or “the Commission”).

4) The Administrative Law Judge ordered an initial Prehearing conference for Monday, July 27, 2009 at 1:00 pm. in Hearing Room #3, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA.

II. Statement of Issues

5) Mr. Epstein is a residential customer of PPL Electric Utilities Corporation.

6) PPL's proposal to recover "indirect and direct costs" will impact Mr. Epstein's rates and serve as a precedent.

7) Eric Joseph Epstein is presently analyzing PPL's assumptions, estimates, projections, methodologies, undocumented statements, citations, predictions, and conclusions associated with the Company's Filing.

8) Mr. Epstein's initial evaluation of PPL's EE&C plan found numerous errors, inconsistencies, miscalculations, unproven assumptions and unsubstantiated statements, and his preliminary review of the Company's filing indicates the need for a Commission investigation into at least the following issues:

- a) PPL's proposal to recover costs through consumption based charges and "hard caps";
- b) PPL's cost and quality of service must be accurate, legitimate and appropriately allocated;
- c) PPL must identify the responsibilities, liabilities, and cost burdens associated with the environmental remediation associated with disposing of the mercury contained in the Compact Florescent Light bulbs; and,
- d) Direct Load Control issues have not yet been determined. Discussions during the TOU collaborative indicate that there must be universal and consistent timing for the cycles, and PPL's contractor may be in violation of Conservation Service Provider regulations;
- e) Efficient equipment design and the EnergyStar New Home programs may provide PPL with rate payer cross subsidies;

f) WRAP, rebates, renewable energy, and residential audits have cost allocation problems. Initially, Mr. Epstein is concerned that costs related to PPL Electric's existing Universal Service Programs ("USP") will be attributed to this program. The Company has not indicated how USP and Act 129 costs will be segregated;

g) The legality and appropriateness of PPL's Time of Use programming is in question. PPL Electric discusses Time of Use ("TOU") rates at pp. 84-88 of the EE&C Plan. Despite acknowledging that the Company must make a separate filing for approval of TOU rates pursuant to a Commission-approved POLR settlement at (4) Docket No. P-2008-2060309 (EE&C Plan, p. 84), PPL Electric outlines its TOU program in its EE&C proposal and indicates that the program "will be similar in format to pilot TOU programs the Company has been conducting since 2002;" (Id)

h) The proposal in its current form appears to undermine competition by providing subsidies to a PPL affiliates ("PPL Energy Services" and "PPL Generation"); and,

i) PPL believes that "marketing" is an activity that is typically aimed at influencing behavior for example, encouraging customers to purchase a particular product, but has not provided a plan to separate branding and marketing from education. The EE&C Plan does not distinguish between education and PPL Electric's branding and marketing campaign.

9) Mr. Epstein reserves the right to raise any issues or questions relating to any discrepancies or errors in the Above-Referenced proceeding.

10) Eric Joseph Epstein anticipates pursuing these issues during this proceeding, and reserves the right to address other issues of concern, and to respond to issues raised by other parties.

III. Proposed Witnesses

11) Mr. Epstein respectfully reserves the right to modify or supplement his witness list during the course of this proceeding. In the event that Eric Joseph Epstein decides to modify or supplement his witness list, Epstein will inform the parties and the Administrative Law Judge.

IV. Proposed Schedule & Discovery Rules

12) Mr. Epstein will fully cooperate with the Court and the Parties at the Prehearing Conference to develop an appropriate procedural schedule and discovery rules in accordance with the Commission's regulations and any ALJ directives; including, the schedule and timing of aggressive afternoon and evening Public Input Hearings in Harrisburg.

V. Settlement Discussions

13) Eric Joseph Epstein is willing to participate in Settlement discussions and negotiations with the other parties to resolve all outstanding issues in this proceeding.

Respectfully submitted,

Eric Joseph Epstein, *Pro se*
4100 Hillsdale Road
Harrisburg, PA 17112

Dated: July 24, 2009

CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the active participants named below by US mail or hand delivery or electronic transmission in accordance with the requirements of Section 1.54.

The Honorable Susan D. Colwell
Administrative Law Judge
Commonwealth Keystone Building
400 North Street
Harrisburg, Pa 17120

David M. Kleppinger, Esquire
Pamela C. Polacek, Esquire
Shelby Linton-Keddie, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Michael W. Gang, Esquire
Michael W. Hasell, Esquire
John H. Isom, Esquire
PPL c/o
Post & Schell
17 North Second St., Floor 12
Harrisburg, Pa 17101-1601

Paul E. Russell, Esquire
PPL Electric Utilities Corporation
Two North Ninth Street
Allentown, PA 18101-1179

James Mullins, Esquire
Aron Beatty, Esquire
Eric Gannon, Esquire
Office of Consumer Advocate
555 Walnut Street
Office of Consumer Advocate
Harrisburg, PA 17101-1921

Craig R. Burgraff, Esquire
Todd S. Stewart, Esquire
Hawke, McKeon & Sniscak
100 N. Tenth Street
P.O. Box 1778
Harrisburg, Pa 17101

Mark Morrow, Esquire
UGI
460 N. Gulph Road
King of Prussia, PA 19406

Lillian S. Harris, Esquire
Thomas J. Sniscak, Esquire
Hawke, McKeon & Sniscak
100 N. Tenth Street
P.O. Box 1778
Harrisburg, Pa 17101

Allison Kaster, Esquire
Charles D. Shields, Esquire
PA Public Utility Commission
Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265

John K. Baille, Esquire
Penn Future
425 6th Avenue, Suite 2770
Pittsburgh, Pa 15219