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June 19, 2014

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Via Hand Delivery

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor, Room-N201
Harrisburg, PA 17120

**RE: Electronic Access to Pre-Served Testimony, Docket No. L-2014-2406251;
PECO Energy Company's Comments to the March 20, 2014 Proposed
Rulemaking Order**

Dear Secretary Chiavetta:

Enclosed for filing please find an original of PECO Energy Company's Comments to the Commission's March 20, 2014 Proposed Rulemaking Order in the above-captioned proceeding.

Please note that PECO is filing these Comments late and requests that they be accepted *nunc pro tunc* as PECO inadvertently missed the filing deadline. PECO avers that no party or entity, including the Commission, will be prejudiced by this delay. Therefore, PECO respectfully requests that its Comments be accepted *nunc pro tunc*, as having been timely filed.

Thank you in advance. Should you have any questions concerning this filing, please contact me at 717-901-9846.

Very truly yours,

Amy W. Neufeld
Regulatory Affairs Manager
PECO Energy Company

PA PUBLIC
UTILITY
COMMISSION
SECRETARY'S BUREAU

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Enclosures

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Electronic Access to Pre-Served Testimony : Docket No. L-2014-2406251
:

**COMMENTS OF PECO ENERGY COMPANY
TO THE COMMISSION'S MARCH 20, 2014 PROPOSED
RULEMAKING ORDER**

PECO Energy Company ("PECO" or the "Company") hereby submits these Comments in response to the Pennsylvania Public Utility Commission's ("Commission") March 20, 2014 Proposed Rulemaking Order in the above-captioned docket. PECO appreciates the opportunity to comment on the proposed regulations contained within the March 2014 Order.

I. INTRODUCTION

On November 8, 2012, the Commission issued a Secretarial Letter proposing that parties serving pre-served testimony in Commission proceedings "be required, within five days of the final hearing in an adjudicatory proceeding, to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding." Through this proposed practice, "Commission staff will have electronic access to parties' testimony through the Commission's internal case and document management system." The Commission further proposed that the parties not be required to serve other parties with the testimony again when it is eFiled or a CD is provided. Finally, the Commission proposed to implement these requirements as a year-long pilot project, noting that if the Commission decided to continue the practice after this pilot period, the Commission would initiate a rulemaking proceeding.

On November 28, 2012, PECO filed comments in support of the pilot outlined in the November 8, 2012 Secretarial Letter, noting two caveats: (1) that the project relate to pre-served testimony only (and not extend to other documentation exchanged in the adjudicatory process such as discovery requests and responses); and (2) that eFiling or CD filing of pre-served testimony occur only upon close of the record.

The Commission issued its Implementation Order on January 10, 2013, addressing the comments and providing that parties serving pre-served testimony in proceedings before the Commission shall be required, within thirty days after the final hearing in an adjudicatory proceeding (unless such period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter during the proceeding. This requirement was implemented for a one-year pilot beginning January 10, 2013, and ending January 10, 2014.

Due to the success of the pilot, the Commission extended the pilot for an additional year by Secretarial Letter dated December 23, 2013. Having now become satisfied that the Commission's procedures regarding the electronic submission of pre-served testimony, the Commission initiates the instant rulemaking.

II. COMMENTS

PECO fully supports the proposed regulations contained in Commission's March 2014 Order. PECO commends the Commission in its endeavors to find new and useful ways to take full advantage of its eFiling system and electronic methods in general. The utility industry needs to utilize eFiling effectively so that all interested parties are afforded proper and easy access to documents needed to do their jobs, with pre-filed testimony being a prime example of such documentation. This efficient use of computer technology continues to overall improve practice before the Commission.

PECO is also satisfied that its two caveats, outlined in PECO's November 28, 2012 comments and summarized above, have become moot. First, in the March 2014 Order, the Commission makes clear that the new rules apply to pre-served testimony only (parties are encouraged to electronically submit any accompanying exhibits) and does not extend to other documentation exchanged during the adjudicatory process, such as discovery requests and responses. *March 2014 Order* at 6. This limitation alleviates PECO's original concern.

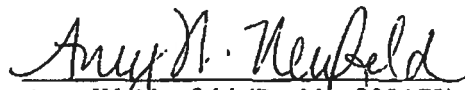
Second, the Commission also makes clear that "parties serving pre-served testimony shall either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter within thirty days *after the final hearing* in an

adjudicatory proceeding, unless such time period is otherwise modified by the presiding officer.” *Id.* at 7 (emphasis added). This timing alleviates PECO’s original concern that some of the pre-served testimony could be stricken or excluded during the hearing and thus should not be made available for general distribution on the website until after the opportunity for such rulings has elapsed.

III. CONCLUSION

PECO appreciates the opportunity to comment on the March 20, 2014 Proposed Rulemaking Order and again commends the Commission for its efforts.

Respectfully Submitted,



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