

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF DELMARVA POWER & LIGHT COMPANY,)
EXELON CORPORATION,)
PEPCO HOLDINGS, INC., PURPLE)
ACQUISITION CORPORATION, EXELON) PSC Docket No. 14-193
ENERGY DELIVERY COMPANY, LLC AND)
NEW SPECIAL PURPOSE ENTITY FOR)
APPROVALS UNDER THE PROVISIONS OF)
26 DEL. C. §§ 215 and 1016 (Filed)
June 18, 2014))

ORDER NO. 8666
AMENDED ORDER REGARDING DEPOSITIONS

This 28th day of October, 2014, the Delaware Public Service Commission (the "Commission"), through its designated Hearing Examiner, adopts the following Order regarding depositions in this docket:

1. Counsel for Staff and the Public Advocate have each indicated that depositions upon oral examination need to be taken in this docket and certain intervener parties have indicated an interest in participating in some of those depositions and initiating one deposition.

2. These parties have agreed that the depositions Christopher Crane, Exelon's President and Chief Executive Officer, Joseph M. Rigby, PHI's Chairman, President and Chief Executive Officer, and Denis P. O'Brien, Exelon's Chief Executive Officer, will be limited in duration. The parties should attempt to complete these depositions within four (4) hours, approximately. Additionally, due to the number of and complexity of the issues in this docket, the parties agree that

there is a limited amount of time to take the depositions of other witnesses affiliated with the Joint Applicants, even if those depositions are not specifically limited in duration.

In order for this docket to proceed in an orderly manner, I find as follows:

3. Pursuant to the statutory authority for their respective agencies, Counsel for Staff and Counsel for the Public Advocate shall take all depositions in this docket, and in the case of those limited in duration, Counsel for Staff and Counsel for the Public Advocate shall share time with the Joint Applicants if requested by the Joint Applicants, which may extend the length of any time limited deposition. Depositions taken outside the State of Delaware will also allow for participation by video and the Joint Applicants will make arrangement for the same.

4. Regarding depositions limited in duration the time allocated to Staff Counsel and the Public Advocate's counsel shall be allocated equally or as otherwise agreed upon by Staff's Counsel and the Public Advocate's Counsel.

5. If Staff's Counsel and the Public Advocate's Counsel agree that one is "the lead" on any deposition of limited duration, they may agree on a different allocation of time between themselves.

6. Staff's Counsel and the Public Advocate's Counsel shall file Notices of Depositions at least ten (10) days prior to the depositions. One (1) Notice may include all depositions.

7. The Notice of Deposition shall include the deponent, the location of the deposition, its date and time, and if applicable, its duration.

8. Certain interveners have expressed an interest in participating in certain depositions and have reached agreement among themselves and with the Joint Applicants as follows: (1) Department of Natural Resources ("DNREC"), the Mid-Atlantic Renewable Energy Coalition ("MAREC"), the Clear Air Council ("CAC") and Mr. Firestone seek a witness on behalf of Exelon to depose who is knowledgeable on the issues of generation, supply and transmission of renewable energy resources, renewable portfolio standards, energy efficiency and like issues, including Exelon's policies, practices, and positions regarding the same ("renewable energy witness") for up to three hours, the Joint Applicants will identify this witness and include a corresponding curriculum vitae by October 31, 2014 and the parties will schedule this deposition at a time and place convenient to the parties; (2) DNREC, MAREC, CAC and Mr. Firestone seek up to three hours to depose Susan F. Tierney but have agreed to coordinate and otherwise be efficient with the intent to reduce this requirement; (3) Mr. Firestone is seeking fifteen minutes (per deposition) to depose Christopher M. Crane, Joseph M. Rigby and William M. Gausman; 4) DNREC, MAREC, and CAC have agreed to submit limited requests for admissions/interrogatories by October 31, 2014, to avoid the need to depose Christopher M. Crane and William Gausman, but they may have, at most, twenty five minutes (collectively on behalf of DNREC, MAREC and CAC) to depose Christopher M. Crane and may seek to depose William

Gausman for an amount of time to be agreed upon by the parties should that otherwise be necessary; and (5) CAC may submit limited requests for admissions/interrogatories in lieu of a deposition of Denis P. O'Brien and MAREC may seek up to fifteen minutes to depose Denis P. O'Brien. The interveners have not otherwise sought to depose any other witnesses of the Joint Applicants and the Joint Applicants have not agreed to any additional depositions.

9. Consistent with the above, Interveners shall file a Notice of Deposition(s) to participate in the depositions as noticed by Staff's Counsel and Counsel for the Public advocate at least seven (7) days prior to the depositions. One (1) Notice may include all depositions. If not timely filed, Intervener will not be permitted to ask questions at the deposition, although they may attend the deposition.

10. As the Hearing Examiner for this matter, I will strive to make myself available via telephone while such depositions are pending, should disputes arise and there is a need for my intervention.

Mark Lawrence
Senior Hearing Examiner