



March 7, 2024

VIA eFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of Its Default Service Program for the Period from June 1, 2025 through May 31, 2029 Docket No. P-2024-3046008

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum of TURN and CAUSE-PA and accompanying Certificate of Service evidencing service upon the parties of record in the above-captioned proceeding. If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Daniela Rakhlina-Powsner
Daniela Rakhlina-Powsner

Counsel for TURN and CAUSE-PA

Enc.

Cc: Service list

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of Its Default Service Program for : P-2024-3046008
the Period From June 1, 2025 Through :
May 31, 2029 :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Prehearing Memorandum of TURN and CAUSE-PA upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54.

VIA EMAIL

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March 7, 2024

Counsel for TURN and CAUSE-PA

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for Approval :
of a Default Service Program for the Period of : Docket No. P-2024-3046008
June 1, 2025 through May 31, 2029 :**

**Pre-Hearing Memorandum of Tenant Union Representative Network and
The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania**

Tenant Union Representative Network and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) (collectively, “TURN and CAUSE-PA”) through counsel Community Legal Services, Inc., hereby submit this Prehearing Conference Memorandum pursuant to the March 4th Prehearing Conference Order of Administrative Law Judges Eranda Vero and Arlene Ashton.

I. History of the Proceeding

On February 2, 2024, PECO Energy Company (“PECO” or “the Company”) filed a Petition for Approval of a Default Service Program for the Period of June 1, 2025 through May 31, 2029 (“Petition”), which was assigned to this Docket No. P-2024-3046008. The Petition was published in the *Pennsylvania Bulletin* on February 17, 2024, with an Answer/Protest date of March 4, 2024. TURN and CAUSE-PA filed a Petition to Intervene in this proceeding on March 4, 2024. On March 4, 2024, Judges Vero and Ashton issued a Call-In Telephone Prehearing Conference Notice, scheduling an Initial Prehearing Conference to be held telephonically on Friday, March 8, 2024 at 10:00 am. Also on March 4, Judges Vero and Ashton issued a Prehearing Conference Order (“Order”) requiring parties to file a Prehearing Conference Memorandum on or before Thursday, March 7, 2024. TURN and CAUSE-PA submit this prehearing memorandum pursuant to that Order.

As set forth in their Petition to Intervene, TURN and CAUSE-PA have each participated in numerous previous PECO proceedings, including PECO's Default Service Plan Proceedings and Universal Service Plan proceedings.

II. Possibility of Settlement

TURN and CAUSE-PA are willing to participate in settlement negotiations concerning the terms and conditions for the Company's proposed Default Service Plan.

III. Legal Briefs and Necessity of Hearings

In the event that PECO, TURN and CAUSE-PA, and other anticipated parties to this proceeding are unable to resolve issues through settlement negotiations, TURN and CAUSE-PA submit that the outstanding issues should be adequately analyzed and addressed on the record during hearings and the parties should be provided the opportunity to submit initial briefs and reply briefs.

IV. Issues To Be Addressed

In this proceeding, TURN and CAUSE-PA seek to represent the interests of low and moderate income residential customers of PECO. Additionally, TURN and CAUSE-PA intend to analyze the terms and conditions under which low and moderate income PECO customers may be impacted by PECO's proposals, including but not limited to PECO's proposed Time-of-Use (TOU) rates, the Standard Offer Program, and PECO's proposed changes to its residential bill format.

As such, TURN and CAUSE-PA have preliminarily identified the following issues presented by this filing, which affect their members, and which TURN and CAUSE-PA, seek to examine more fully:

1. The Company's proposal to exclude certain low-income customers from the residential TOU rates and the potential risks to other low- and moderate-income customers that may be presented by TOU rates. Petition ¶38.
2. The Company's proposal to continue to offer its Standard Offer Program and the proposed methods of cost recovery for said program. Petition ¶47.
3. The Company's proposal to add a chart to the residential customer bill that compares total supplier charges to what the charges would be under PECO's applicable price to compare. Petition ¶49.

TURN and CAUSE-PA reserve the right to raise other relevant issues and respond to other issues that may arise in the course of this proceeding.

V. Procedural Schedule and Amount of Hearing Time

TURN and CAUSE-PA have conferred with PECO, OCA, and other anticipated parties to this proceeding regarding a schedule for submission of testimony, hearings, and briefs. TURN and CAUSE-PA support OCA's proposed schedule as reasonable to investigate the issues in this case and develop testimony. TURN and CAUSE-PA will work with other parties in good faith if an adjustment to the schedule is deemed necessary.

VI. Discovery

TURN and CAUSE-PA are in ongoing discussions concerning discovery modifications and PECO's proposed protective order and are open to discussing such modifications to discovery and the protective order as deemed necessary at the Prehearing Conference.

VII. Witnesses and Testimony

At this time, TURN and CAUSE-PA intend to present the testimony of Ms. Elizabeth Marx, Esquire.

Ms. Marx may be reached by e-mail and/or mail as follows:

Elizabeth Marx
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
emarx@pautilitylawproject.org

It is anticipated that Ms. Marx will provide testimony regarding some or all of the issues identified above. Ms. Marx may also address other issues and provide testimony in response to other parties. TURN and CAUSE-PA reserve the right to present the aforementioned witness to testify in this matter, as well as the right to call additional or substitute witnesses as may be warranted upon proper notice to Your Honor and the parties.

VIII. Other Matters

TURN and CAUSE-PA are prepared to participate in discussions with Judges Vero and Ashton and the parties concerning the potential measures that may aid in the orderly conduct and disposition of matters arising in this proceeding, including, without limitation: arrangements for the submission of direct testimony of witnesses in writing in advance of the hearing to the extent practicable; arrangements for the submission in advance of the hearing of written requests for information which a party contemplates asking another party to present at hearing; submission in advance of any requests for information to be sought at hearing; the exchange and acceptance of exhibits to be offered into evidence; the obtaining of admissions or stipulations as to factual matters not in dispute; limitations on the number of witnesses; and, any issues that may arise concerning discovery or production of data or other material.

IX. Service on TURN and CAUSE-PA

In accordance with the Prehearing Conference Order, TURN and CAUSE-PA will accept service of documentation electronically in this proceeding. TURN and CAUSE-PA will be represented in this case by:

Daniela Rakhlina-Powsner, Esquire (Attorney ID: 332206)
Robert W. Ballenger, Esquire (Attorney ID: 93434)
Joline R. Price, Esquire (Attorney ID: 315405)
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TURN and CAUSE-PA also request that their witness, Elizabeth Marx, be included on all service in this proceeding, by electronic means wherever possible, as follows:

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Respectfully submitted,

s/ Daniela Rakhlina-Powsner
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Daniela Rakhlina-Powsner, Esquire (Attorney ID: 332206)
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