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July 23, 2009

By eFiling

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition for Approval of Its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of Its Compact Fluorescent Lamp Program,
Docket No. M-2009-2093215

Dear Secretary McNulty:

Enclosed for eFiling please find the **Prehearing Memorandum of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia**, in the above-captioned matter. Copies of the enclosed have been served upon the Administrative Law Judge and other parties on the Service List.

Sincerely,

/s/ Thu Tran

Thu B. Tran, Esquire
Philip A. Bertocci, Esquire
Jonathan M. Stein, Esquire

Attorneys for TURN, et al.

Enclosure

cc: Administrative Law Judge Marlane R. Chestnut
Service List

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval :
of its Act 129 Energy Efficiency and Conservation : **M-2009-2093125**
Plan and Expedited Approval of its Compact :
Fluorescent Lamp Program :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the **Prehearing Memorandum of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia**, as set forth below in accordance with the requirements of 52 Pa. Code § 1.54:

VIA FIRST-CLASS MAIL

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Respectfully submitted,

/s/ Thu Tran

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July 23, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
for Approval of Its Act 129 Energy Efficiency :
and Conservation Plan and Expedited Approval :
of Its Compact Fluorescent Lamp Program : Docket No. M-2009-2093215

**Prehearing Memorandum of Tenant Union Representative Network and
Action Alliance of Senior Citizens of Greater Philadelphia**

The Tenant Union Representative Network (“TURN”) and Action Alliance of Senior Citizens of Greater Philadelphia (collectively “TURN et al.”), through counsel Community Legal Services, Inc., hereby submit this Prehearing Memorandum in the above-captioned proceeding, pursuant to the Prehearing Conference Order of July 1, 2009, stating as follows:

1. History of the Proceeding.

On July 1, 2009, PECO Energy Company (“PECO”) filed the above-captioned Petition for Approval of Its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of Its Compact Fluorescent Lamp Program. On July 23, 2009, TURN et al. filed a Petition to Intervene in this proceeding.

2. Issues to be Presented.

In regard to low income households, Act 129 provides as follows:

The Plan shall include specific energy efficiency measures for households at or below 150% of the federal poverty income guidelines. The number of measures shall be proportionate to those households’ share of the total energy usage in the service territory.

66 Pa. C.S. §§ 2806.1(b)(1)(I)(G). PECO proposes in its Act 129 Plan, *inter alia*, to implement a Low-Income Energy Efficiency Program, purporting to comply with Act 129's low income provisions. The Commission should not approve PECO's Petition before adequate assessment of PECO's filing for proper compliance with Act 129 provisions.

TURN et al. were parties in the recent Commission proceedings, in the matter of PECO Energy Company Universal Services Three-Year Plan 2007-2009 Submitted in Compliance with 52 Pa. Code § 54.74, Docket No. M-00061945, and Petition of PECO Energy Company for Approval of its Default Service Program and Rate Mitigation Plan, Docket No. P-2008-2062739, both of which resulted in Joint Settlements providing, *inter alia*, for enhancements to the CAP Rate and Low Income Usage Reduction Program (LIURP). TURN et al. were also parties in various prior Commission proceedings involving settlement provisions relating to PECO low income programs. The Commission should not approve PECO's Petition for Approval unless PECO agrees to perform such actions as are necessary to assure compliance with applicable sections of the Public Utility Code, Commission regulations, guidelines and settlement agreements.

TURN et al. reserve the right to raise other issues as additional information becomes available in the course of the proceeding.

3. Witnesses and Testimony.

At this time, TURN et al. have not yet identified a witness or witnesses for this proceeding and will inform the Commission when such decision is made.

4. Service on TURN et al.

TURN et al. will be represented in this case by Thu B. Tran, Esquire, Philip A. Bertocci, Esquire, and Jonathan M. Stein, Esquire. One hard copy of all documents should be served on TURN et al. as follows:

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Respectfully submitted,

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