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January 19, 2010

VIA FEDERAL EXPRESS

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

RECEIVED

JAN 19 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: **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**

Dear Secretary McNulty:

Enclosed for filing in the above-captioned case are an original (unbound) and nine (9) copies of the Reply Comments of PECO Energy Company (PECO). Pursuant to 52 Pa. Code §1.11(a), the date shown on the express delivery service receipt attached to the envelope containing this letter shall be deemed the date of filing.

As indicated on the enclosed Certificate of Service, copies of PECO's Reply Comments are being served electronically and by first class mail on all active parties.

We are enclosing an additional copy of this letter and PECO's Reply Comments, which we request that you date-stamp as evidence of filing and return to us in the stamped, pre-addressed envelope provided for that purpose.

Very truly yours,



Kenneth M. Kulak
Enclosures

c: Per Certificate of Service
Honorable Marlane R. Chestnut

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RECEIVED

JAN 19 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF ITS :
ACT 129 ENERGY EFFICIENCY AND : DOCKET NO. M-2009-2093215
CONSERVATION PLAN AND :
EXPEDITED APPROVAL OF ITS :
COMPACT FLUORESCENT LAMP :
PROGRAM :**

REPLY COMMENTS OF PECO ENERGY COMPANY

I. INTRODUCTION

Pursuant to the October 28, 2009 Order (“EE&C Order”) issued in this proceeding by the Pennsylvania Public Utility Commission (the “Commission”), PECO Energy Company (“PECO” or the “Company”) filed its revised Energy Efficiency and Conservation Plan (“EE&C Plan” or “Plan”) on December 23, 2009. On December 24, 2009, the Commission issued a Secretarial Letter extending the deadline for comments and reply comments on the revised Plan to January 8 and January 19, 2010, respectively. On January 8, 2010, the Office of Consumer Advocate (“OCA”) filed comments on the revised Plan. PECO now submits these reply comments to respond to the issues raised by the OCA.

II. REPLY COMMENTS

The OCA’s comments (“OCA Comments”) address two areas: (1) Time-Of-Use (“TOU”) program costs; and (2) particular tariff pages in Supplement No. 99 to PECO’s Electric Service Tariff, which was filed on December 21, 2009 and became effective on January 1, 2010.

A. TOU Program Costs

In the EE&C Order, the Commission approved PECO's TOU rate programs, but reserved the cost allocation issues associated with these programs for future proceedings when the TOU rates, costs and rate designs are finalized. *See* EE&C Order, pp. 52, 73. In its comments, the OCA stated that "any costs of, or resulting from, the TOU program" must fall within the two percent cost limit established by Act 129 of 2008. OCA Comments, p. 2; *see* 66 Pa. C.S. § 2806.1(g). The OCA also requested that the Commission specifically include this cost limitation on these programs in the Order addressing comments to the revised Plan.

PECO agrees that its EE&C TOU program costs should fall under the two percent cost limitation and does not object to the OCA's request. However, PECO notes that it is also required to offer time-of-use rates in the future under Act 129's smart meter provisions (66 Pa. C.S. § 2807(f)(5)) and may also introduce other dynamic pricing programs as part of the implementation of its Smart Meter Technology Procurement and Installation Plan. The costs of these different programs should not be limited by the two percent cost limitation of PECO's EE&C Plan. PECO therefore requests that the Commission expressly provide that only the costs of its EE&C TOU program and not other time-of-use, smart meter, or dynamic pricing programs should be subject to the two percent cost limitation in its Order addressing comments to the revised EE&C Plan.

B. Supplement No. 99 Tariff Pages

The OCA has also requested explanation of several tariff pages in Supplement No. 99 to PECO's Electric Service Tariff which the OCA believed either were unrelated to the EE&C Order or were incomplete. PECO addresses each of the OCA's concerns below.

- *Variable Distribution Charge for Rate R*

The OCA requested explanation as to why the Variable Distribution Charge (“VDC”) for Rate R was increased by 0.04 cents per kWh in Supplement No. 99. The OCA believes that the VDC should have been decreased by 0.01 cents per kWh, as the EE&C charge decreased from 0.35 cents per kWh to 0.34 cents per kWh.

The VDC in Supplement No. 99 is correct. The difference noted by the OCA reflects not only the decrease required by the EE&C Order, but other increases approved in earlier supplements that became effective January 1, 2010 related to PECO’s Universal Service Fund Charge (“USFC”), which is embedded in the VDC. *See* Supplement No. 96 (Supplemental USFC), issued July 17, 2009 and effective January 1, 2010; Supplement No. 97 (USFC Annual Reconciliation), issued December 21, 2009 and effective January 1, 2010.

- *“Default Service Rates” and the Competitive Transition Charge (“CTC”) for Rate R*

The OCA has requested clarification as to why the default service rates for Rate R decline substantially as the CTC increases.

As with the VDC, the Energy and Capacity rates in Rate R (referred to as “default service rates” by the OCA) and CTC rates in Supplement No. 99 are correct and also reflect changes approved in an earlier supplement that became effective January 1, 2010 related to the annual reconciliation of transition charges. *See* Supplement No. 97 (Transition Charges Annual Reconciliation), issued December 21, 2009 and effective January 1, 2010.

- *“Incomplete” Tariff Sheets*

The OCA has requested an explanation of certain tariff pages, such as Tariff Page No. 49A, that the OCA believes may be incomplete because they contain placeholder letters (such as “xx.xx cents per kWh”) for default service rates.

PECO agrees that the Super Peak TOU rates in Supplement No. 99, including the rates on Tariff Page No. 49A referenced by the OCA, contain placeholders for the final Energy Supply Charges. These placeholders were discussed in the direct testimony of Richard A. Schlesinger (PECO St. No. 3), on pages 6-7, which was filed with PECO’s EE&C Plan on July 1, 2009. As Mr. Schlesinger explained, the specific TOU pricing cannot be developed until the fall of 2010, after PECO has completed the competitive procurement process for its default service generation supply for 2011. PECO will make a compliance filing with TOU Energy Supply Charges in late 2010.

- *Rate OP and Rate GS*

Finally, the OCA has requested an explanation with respect to tariff changes required by the EE&C Order for PECO’s Rate OP (residential off-peak service) and Rate GS (on-peak). PECO’s revised Plan included a “blackline” of Supplement No. 99 against Supplement No. 94, which was filed with PECO’s original EE&C Plan on July 1, 2009. *See* PECO Revised Exhibit RAS-1.

Supplement No. 99 included revisions to Rate OP and Rate GS to reflect changes to the EE&C charge in response to the EE&C Order, but the “blackline” of tariff changes in PECO Revised Exhibit RAS-1 indicates more changes to Rate OP and Rate GS than were actually made. With respect to Rate OP, the rate appears to be entirely new in the “blackline” because

the relevant tariff pages were unintentionally omitted from Supplement No. 94. In order to address the OCA's request, PECO is providing copies of Rate OP, attached as Exhibits A and B, which show, respectively: (1) the changes to Rate OP for PECO's original EE&C Plan inadvertently omitted from Supplement No. 94; and (2) the additional changes that PECO has made to Rate OP in Supplement No. 99 in response to the EE&C Order. With respect to Rate GS, Tariff Page No. 47 was shown as entirely "new" in the PECO Revised Exhibit RAS-1 "blackline," but no changes were in fact made to this page of Rate GS in Supplement No. 99 and the "blackline" Tariff Page No. 47 should be disregarded.

WHEREFORE, PECO Energy Company respectfully submits its reply comments and requests that the Commission enter a final Order approving the revised EE&C Plan.

Respectfully submitted,



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Dated: January 19, 2010

Counsel for PECO Energy Company

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT A

Exhibit A-Supplement No.94

Supplement No. XX to Electric Pa.P.U.C. No. 3
XXXXXXXXXX, Revised Page No. 43
Superseding XXXXXXXX, Revised Page No. 43

PECO Energy Company

RATE OP OFF-PEAK SERVICE

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AVAILABILITY.

In conjunction with Rates R, RT, R-H and with residence service under Rate GS, for any customer receiving service at 120/240 volts, 3 wires, or 120/208 volts, 3 wires, for the operation of 240-volt or 208-volt domestic equipment of a type approved by the Company. Any load connected for service under Rate OP may not be connected for service under any other rate during the period that service under Rate OP is interrupted. Service will be interrupted during on-peak periods as established by the Company. This rate is not available when the source of supply is service purchased from a neighboring company under a borderline-purchase agreement. Effective January 1, 2004, service under Rate OP will be restricted to service locations receiving Rate OP service or that are the subject of a Rate OP service application as of December 31, 2003.

SPECIAL RULES AND REGULATIONS.

The normal control device furnished by the Company has a limited capacity. The customer shall notify the Company before connecting any load in addition to an existing water heater. If necessary, the Company will install a control device with a rating of 200 amperes to accommodate the additional 240-volt controlled load. For controlled loads larger than 200 amperes the control device shall be furnished, installed and maintained by the customer. Service may be interrupted for a total of not more than 8-1/2 hours per day during scheduled periods which may vary from customer to customer.

The Company has a program to replace seven-day clock control devices as they fail with five-day radio-control devices which provide uninterrupted service on Saturdays, Sundays and holidays.

MONTHLY RATE TABLE.

FIXED DISTRIBUTION SERVICE CHARGE: \$4.65 per month

METERING AND BILLING CREDITS A customer receiving Advanced Meter Services from a AMSP other than the Company will receive a credit on the Fixed Distribution Service Charge equal to the Total Metering Credit set forth for this Base Rate in Appendix B to the Joint Petition for Full Settlement. A customer receiving Consolidated EGS Billing will receive a credit on the Fixed Distribution Service Charge equal to the Billing and Collection Credit set forth for this Base Rate in Appendix B to the Joint Petition for Full Settlement.

VARIABLE DISTRIBUTION SERVICE CHARGE: 4.05¢ per kWh

COMPETITIVE TRANSITION CHARGE: 0.42¢ per kWh

ENERGY AND CAPACITY CHARGE:

Standard Pricing Option-The following Energy and Capacity Charges, which are not applicable to a customer who obtains Competitive Energy Supply, will apply to the customer who received Default PLR Service as of January 1, 2002, and continues to receive this service, or is a customer who returns to Default PLR Service and receives this service for a minimum period of twelve months or is a customer on the Company's Monthly Pricing Option and wants to return to the Standard Pricing Option and meets certain conditions described in the Monthly Pricing Option. The requirement for a minimum period of 12 months is not applicable unless the monthly pricing option has been implemented by the Company. A customer returning from Competitive Default Service will not be subject to the minimum twelve month stay provision.

2.12¢ per kWh

Monthly Pricing Option-Upon 90 days prior written notice to the PaPUC, the Company may implement this Monthly Pricing Option, which allows Customers who return to Default PLR Service to elect their service on a monthly basis. The following Energy and Capacity Charges apply to the Monthly Pricing Option.

SUMMER MONTHS. (June through September)

The Company will determine a market rate by May 1st for the subsequent summer months in the year in which the Monthly Pricing Option is implemented by the Company

WINTER MONTHS. (October through May)

Same as the Standard Pricing Option winter months charge.

If the returning customer, within the first twelve months of the customer's return to the Company, is on the Monthly Pricing Option and requests to be removed from the Monthly Pricing Option and switched to the Standard Pricing Option, then the customer will be required to stay with the Company for the remainder of this initial twelve month period under the Standard Pricing Option. The customer will be switched to the Standard Pricing Option on the regularly scheduled meter reading date which falls five calendar days following the customer's request. If the returning customer has stayed with the Company for at least twelve months and is on the Monthly Pricing Option, the customer can request to be switched to the Standard Pricing Option with no minimum stay provision on this option. The customer will be switched to the Standard Pricing Option on the regularly scheduled meter reading date which falls five calendar days following the customer's request. The prices for Default PLR Service were determined in accordance with Section L, paragraph 38(e) of the Joint Petition for Full Settlement at Docket Nos. R-00973953 and P-00971265.

Within one business day of a request from a customer, or a customer's EGS, to return the customer to PLR Service, the Company will send a letter to the customer requesting the customer to choose between the Standard Pricing Option and the Monthly Pricing Option. If the Company does not receive a response from the Customer within ten calendar days from the date of the letter, the terms and conditions of the Standard Pricing Option will apply. The Customer's return to PLR Service will become effective as of the next scheduled meter reading date, provided that the Company received the request for the return at least 18 days prior.

TRANSMISSION SERVICE FOR CUSTOMERS RECEIVING DEFAULT PLR SERVICE: Unless such a customer is able to obtain transmission service on its own, PECO Energy will provide transmission service, and will impose charges on such a customer for such transmission service. MINIMUM CHARGE: The minimum charge per month will be the Fixed Distribution Service Charge.

STATE TAX ADJUSTMENT CLAUSE, NUCLEAR DECOMMISSIONING COST ADJUSTMENT, UNIVERSAL SERVICE FUND CHARGE APPLY TO THIS RATE.

PAYMENT TERMS. Standard.

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Issued July 1, 2009.

Effective January 1, 2010.

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EXHIBIT B

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SECRETARY'S BUREAU

Exhibit B-Supplement No. 99

Supplement No. xx to
Electric Pa.P.U.C. No. 3
xxxxxxx Revised Page No. 43
Superseding xxxxxxxx Revised Page No. 43

PECO Energy Company

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Issued December 21, 2009:

Effective January 1, 2010.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION
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**PETITION OF PECO ENERGY :
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CONSERVATION PLAN AND :
EXPEDITED APPROVAL OF ITS :
COMPACT FLUORESCENT LAMP :
PROGRAM :**

CERTIFICATE OF SERVICE

I hereby certify that I have this date served true and correct copies of the Reply
Comments of PECO Energy Company upon the individuals listed below, in accordance with the
requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

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*Counsel for State Representative
Mark B. Cohen*



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Counsel for PECO Energy Company

Date January 19, 2010

