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March 12, 2012

**By eFiling**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of its Default Service Program  
Docket No. P-2012-2283641

Dear Secretary Chiavetta:

Enclosed for eFiling please find the **Prehearing Memorandum of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia** (collectively "TURN et al.") 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  
Robert W. Ballenger, Esquire  
George D. Gould, Esquire

Attorneys for TURN, et al.

Enclosure

cc: Administrative Law Dennis Buckley  
Service List

## CERTIFICATE OF SERVICE

Re: Petition of PECO Energy Company for Approval of Its Default Service Program  
Docket No. P-2012-2283641

I hereby certify that I have this day served a true copy of the foregoing document, TURN et al.'s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12<sup>th</sup> day of March, 2012.

### SERVICE BY E-MAIL and FIRST CLASS MAIL, POSTAGE PREPAID

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/s/ Thu Tran  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for  
Approval of its Default Service Program**

**Docket No. P-2012-2283641**

**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 Order of March 6, 2012, stating as follows:

1. History of the Proceeding.

On January 13, 2012, PECO Energy Company (“PECO” or “the Company”) filed its Petition for Approval of its Second Default Service Program (“DSP II” or “the Program”) pursuant to 66 Pa.C.S. § 2807(e) of the Pennsylvania Public Utility Code, the Default Service Regulations of the Pennsylvania Public Utility Commission (“Commission”), and the Commission’s Policy Statement on Default Service. PECO seeks approval for its default service program and procurement plan for the period of June 1, 2013 through May 31, 2015.

On March 2, 2012, the Commission entered its Order in the Investigation of Pennsylvania’s Retail Electricity Market: Intermediate Work Plan (“Intermediate Work Plan Order”) at Docket No. I-2011-2237952. The Intermediate Work Plan addresses various programs related to enhancing retail competition. The Intermediate Work Plan Order will also need to be addressed by PECO and the parties to this proceeding.

The Petition was assigned to the Office of Administrative Law Judge and was further assigned to Administrative Law Judge Dennis J. Buckley for investigation and scheduling of hearings. On January 26, 2012, ALJ Buckley issued an Initial Prehearing Conference Notice and scheduled the Prehearing for Tuesday, March 13, 2012. On March 6, 2012, ALJ Buckley issued the Prehearing Order in the matter.

TURN et al. filed their Petition to Intervene and Public Statement on February 13, 2012. TURN et al. submit this Prehearing Memorandum in accord with the Prehearing Order.

## 2. Service on TURN et al.

TURN et al. will be represented in this case by Thu B. Tran, Esquire, Robert W. Ballenger, Esquire, and George D. Gould, Esquire. One hard copy of all documents should be served on TURN et al. as follows:

Thu B. Tran, Esquire  
Community Legal Services, Inc.  
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## 3. Issues to be Presented

TURN et al. intend to examine the impact that the proposed opt-in auction would have on low-income residential customers and submit that PECO should be required to demonstrate that each component of their opt-in auction proposal is permissible under current law and regulations and that the auction process will adequately safeguard the rights of all residential customers, particularly low-income customers. PECO has clarified in some early discovery responses that it does not intend for its CAP customers to participate in this program. TURN et al. intend to

support this approach; however, we question whether other Universal Service Program components would be available to auction participants and, if so, how that may affect benefits and safeguards for low-income customers who do not or cannot participate in the auction.

PECO also proposes to implement two customer referral programs: a Standard Offer Customer Referral Program and a New/Moving Customer Referral Program. TURN et al. intend to examine the various proposals to ensure that each of them adequately protects low-income customers. PECO has appropriately determined that CAP customers should not participate in either of these referral programs and TURN et al. intend to support this approach; however, we are concerned that other low-income customer segments may also benefit from the price stability of default service and thus would be disserved by participating in these retail enhancements.

Further, TURN et al., were parties and signatories in settlement agreements in prior Commission proceedings involving PECO, including, but not limited to, the following:

- a. Pennsylvania Public Utility Commission v. PECO Energy Company – Electric Division, Docket No. R-2010-2161575;
- b. 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; and
- c. Petition of PECO Energy Company for Approval of its Default Service Program and Rate Mitigation Plan, Docket No. P-2008-2062739.

These proceedings involved settlement provisions relating to PECO's low income programs.

TURN et al. will examine the impact that PECO's proposed DSP II will have on the provisions of prior settlement agreements, as well as its compliance with applicable sections of the Public Utility Code, Commission regulations, and guidelines.

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

4. Witnesses and Testimony

TURN et al. reserve the right to present direct, rebuttal, and surrebuttal fact and expert testimony, to the extent deemed necessary. TURN et al. has not yet identified their witness for this proceeding. As soon as it identifies a witness, TURN et al. will promptly notify the Administrative Law Judge and the parties to this proceeding.

5. Proposed Schedule and Discovery.

TURN et al. have been in discussions with the parties regarding a proposed schedule and discovery rules modifications.

Respectfully submitted,

/s/ Thu Tran  
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Thu B. Tran, Esquire  
Robert W. Ballenger, Esquire  
George D. Gould, Esquire

Attorneys for TURN, et al.

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