

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for Approval of a Default Service Program for the Period of June 1, 2017 through May 31, 2019**

Docket Nos. P-2016-2534980

**Prehearing Memorandum of the  
Coalition for Affordable Utility Services  
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby submits this Prehearing Memorandum pursuant to the April 12, 2016 Prehearing Order of Administrative Law Judge Cynthia Williams Fordham.

**I. History of the Proceeding**

On March 17, 2016, PECO Electric Company (“PECO” or “the Company”) filed a Petition for Approval of its Default Service Program for the period commencing June 1, 2017 through May 31, 2019. By public notice published in the Pennsylvania Bulletin on April 9, 2016, the Commission established a deadline of April 19, 2016 for formal protests, petitions to intervene, and answers.

On April 12, 2016, Administrative Law Judge Cynthia Williams Fordham issued a Prehearing Order confirming the intervention deadline of April 19, 2016. On April 19, 2016, CAUSE-PA filed its Petition to Intervene. Various other parties also filed petitions to intervene prior to the established deadline. Judge Fordham’s Prehearing Order set a Prehearing Conference for April 22, 2016, with a deadline of April 21, 2016 at noon for the filing of prehearing memoranda. This prehearing memorandum is filed in accordance with Judge Fordham’s Order.

**II. Issues to be addressed**

CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services. CAUSE-PA membership is open to moderate- and low-income individuals residing in the Commonwealth of Pennsylvania

who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence and family well-being.

Counsel for CAUSE-PA has reviewed PECO's filing and testimony. While CAUSE-PA is still formulating its positions on all of the issues presented in PECO's filing, it is concerned about the effect that the proposed default service programs will have on the long-term affordability of service for economically vulnerable households within PPL's service territory, and has tentatively identified the following issues presented by the filing which affect its members:

1. The Company's proposal to maintain its Standard Offer Program to refer residential customers to Electric Generation Suppliers. Petition ¶ 33.

2. Any proposals PECO or other parties may present in the context of this proceeding to allow CAP customers to shop for generation supply.<sup>1</sup> CAUSE-PA has concerns about any CAP shopping plan that allows CAP customers to pay more than the Default Service price for electric generation supply. Evidence in service territories where CAP customers shop for generation supply shows that CAP customers, as well as the residential ratepayers who pay for the CAP program, are significantly harmed by this practice and are paying millions of dollars per year without any added benefit to CAP customers or the CAP program as a whole.

CAUSE-PA asserts that each of these matters must be thoroughly reviewed through discovery and a hearing in order to ensure that the Company's low-income customers are not harmed and the programs are in the public interest. CAUSE-PA anticipates that additional issues may arise as a more comprehensive review of the Company's filing is undertaken, discovery is conducted, and other parties present evidence and testimony.

CAUSE-PA reserves the right to present evidence on any of the other issues contained in PECO's filing but not specifically identified above, as well as those issues raised by other parties. Any and all evidence presented by CAUSE-PA will be directed so as to ensure that low-income customers are adequately protected in the continued provision of default service.

### **III. Witnesses**

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witnesses as may be warranted upon proper notice to the Presiding Officer and the parties:

---

<sup>1</sup> On April 5, 2016, the Pennsylvania Supreme Court denied Petitions for Allowance of Appeal in CAUSE-PA et al. v. Pa PUC, 445 CD 2014 and McCloskey v. PA PUC, 120 A.3d 1087, 596 CD 2014 (Commw. Ct., July 14, 2015).

Harry S. Geller, Esquire  
118 Locust Street  
Harrisburg, PA 17101  
717-576-2282  
[hgellerpulp@palegalaid.net](mailto:hgellerpulp@palegalaid.net)

Mr. Geller will address the issues identified above, as well as other issues that may arise in the course of this proceeding.

**IV. Discovery**

CAUSE-PA is amenable to PECO's proposed discovery modifications and protective order. CAUSE-PA is also open to discussing additional modifications to discovery and the protective order, as necessary.

**V. Settlement**

CAUSE-PA is willing to work with any and all of the other parties in this proceeding to attempt to come to a full or partial settlement of the litigated issues.

**VI. Service on CAUSE-PA**

Service on CAUSE-PA may be made on its attorneys at the Pennsylvania Utility Law Project, who consent to accept by electronic delivery all documents on the deadlines for their filing as follows:

Patrick M. Cicero, Esq.  
Elizabeth R. Marx, Esq.  
Joline Price, Esq.  
**PENNSYLVANIA UTILITY LAW PROJECT**  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
Fax: 717-233-4088  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

**VII. Litigation Schedule**

CAUSE-PA has reviewed the litigation schedule set forth in PECO's Petition and accepts that schedule without proposed modification. However, CAUSE-PA will work with other parties in good faith if an adjustment to the schedule is necessary.

**VIII. Conclusion**

CAUSE-PA respectfully requests that its Prehearing Memorandum be entered into the record of this proceeding.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



---

Patrick M. Cicero, Esq., PA ID: 89039  
Elizabeth R. Marx, Esq., PA ID: 309014  
Joline Price, Esq., PA ID: 315405  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486 / Fax: 717-233-4088  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

April 21, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Electric Company for Approval of a Default  
Service Program for the Period of June 1, 2017 through May 31,  
2019**

Docket No. P-2016-2534980

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2016, I have served copies of the **Prehearing Memorandum of CAUSE-PA** via email and/or first-class mail upon all of the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

The Honorable Cynthia Williams Fordham  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
[cfordham@pa.gov](mailto:cfordham@pa.gov)

W. Craig Williams, Esquire  
Romulo L. Diaz, Jr., Esquire  
Exelon Business Services Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
[craig.williams@exeloncorp.com](mailto:craig.williams@exeloncorp.com)  
[romulo.diaz@exeloncorp.com](mailto:romulo.diaz@exeloncorp.com)  
*Counsel for PECO Energy*

Thomas P. Gadsden, Esquire  
Kenneth M. Kulak, Esquire  
Brooke E. McGlinn, Esquire  
Morgan, Lewis & Bockius  
1701 Market Street  
Philadelphia, PA 19103  
[tgadsden@morganlewis.com](mailto:tgadsden@morganlewis.com)  
[kkulak@morganlewis.com](mailto:kkulak@morganlewis.com)  
[bmcglinn@morganlewis.com](mailto:bmcglinn@morganlewis.com)  
*Counsel for PECO Energy*

Aron J. Beatty, Esq.  
Candis A. Tunilo, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> floor, Forum Place  
Harrisburg, PA 17101-1923  
[abeatty@paoca.org](mailto:abeatty@paoca.org)  
*Counsel for the OCA*

Elizabeth Rose Triscari, Esquire  
Assistant Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, Pennsylvania 1710  
[etriscari@pa.gov](mailto:etriscari@pa.gov)  
*Counsel for the OSBA*

Phillip C. Kirchner, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg PA 17105-3265  
[phikirchne@pa.gov](mailto:phikirchne@pa.gov)  
*Counsel for I&E*

Charis Mincavage, Esq.  
Adeolu A Bakare, Esq.  
Alessandra L. Hylander, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, Pennsylvania 17108  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[abakare@mwn.com](mailto:abakare@mwn.com)  
[ahylander@mwn.com](mailto:ahylander@mwn.com)  
*Counsel for PAIEUG*

Charles E. Thomas III, Esq.  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 600  
Harrisburg, PA 17101  
[cet3@tnlawfirm.com](mailto:cet3@tnlawfirm.com)  
*Counsel for Noble Americas Energy*

Deanne M. O'Dell, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
P.O. Box 1248  
Harrisburg, PA 17101  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
*Counsel for RESA & Direct Energy*



---

Patrick M. Cicero, Esq.  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486, Ext. 202  
Fax: 717-233-4088  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

April 21, 2016