

Roger E. Clark

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May 3, 2018

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


Re: Pa. PUC v. PECO Energy Co. - Electric Division
Docket No. R-2018-3000164

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum of the Delaware Valley Regional Planning Commission in the above-referenced proceeding.

I have today filed this Petition with the Commission's eFiling system.

I have also today served this document on the Administrative Law Judges and the parties of record as shown on the attached Certificate of Service.

Sincerely,


Roger E. Clark
PA Attorney # 24852

Attachments: Prehearing Memorandum
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3000164
	:	
PECO Energy Company – Electric Division	:	

**PREHEARING MEMORANDUM
OF THE
DELAWARE VALLEY REGIONAL PLANNING COMMISSION**

The Delaware Valley Regional Planning Commission submits this prehearing memorandum in the above-captioned proceeding pursuant to 52 Pa. Code §§5.222, and the Prehearing Conference Order of April 20, 2018.

Introduction

On March 29, 2018, PECO Energy Company ("**PECO**" or "**Company**") filed with the Pennsylvania Public Utility Commission ("**Commission**") proposed Tariff Electric-Pa. P.U.C. No. 6. PECO's filing includes the Direct Testimony of its witnesses, responses to filing requirements, and documentation regarding its proposals.

On April 19, 2018, the Commission entered an Order initiating an investigation into the lawfulness, justness, and reasonableness of the Company's proposed rate increase and suspended the effective date of Tariff No. 6 until December 28, 2018. The case was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge F. Joseph Brady. They issued a Prehearing Conference Order on April 20, 2018. A Prehearing Conference has been scheduled for May 8, 2018 at 9:30 a.m.

On April 27, 2018, the Delaware Valley Regional Planning Commission (“DVRPC”) filed a Petition to Intervene.

1) Plan and Schedule of Discovery

Counsel for DVRPC has successfully logged into the PECO 2018 Rate Case eRoom created by PECO’s counsel. DVRPC expects to serve its initial written interrogatories on the Company during the week of May 7, 2018.

DVRPC requests that the parties copy the following persons with all discovery questions and answers:

- Elizabeth Compitello, Delaware Valley Regional Planning Commission
ecompitello@dvrpc.org
- Michael Fuller, Keystone Lighting Solutions
mfuller@keystoneLS.com

DVRPC also requests that the two persons listed above also be given access to the eRoom for this proceeding.

2) Settlement

Following discovery and the submission of written testimony, DVRPC will be willing to confer with the other parties in an attempt to resolve all or some of the issues associated with this Petition.

3) Issues

DVRPC intends to direct its involvement in this proceeding toward the issues raised by the requested changes to the SL-E tariff and the newly proposed SL-C tariff. Based upon a preliminary analysis of PECO's rate filing, DVRPC has compiled a list of issues which it anticipates will be included in its investigation of this rate request.

- a. The problems caused by how the SL-E tariff conflates the definition of “service locations” to mean both the “taps” and “luminaires” despite the fact that municipally-owned street lighting systems typically have different quantities of “taps” and “luminaires” as a result of tap consolidation (when several lights are served by the same interconnection or tap). By not distinguishing between the two, PECO is unable to adequately lay the foundation for recouping the fees associated with these two services. In order to accurately charge for street lighting service, PECO must unbundle this definition so the luminaires can be charged by kWh and the “taps” can be charged per location.
- b. PECO’s lack of accurate datasets for street lighting service locations, taps, and luminaires and how this results in erroneous customer charges under the SL-E tariff. DVRPC contends that the errors in this data prevents a finding that PECO’s street lighting tariff is just, reasonable and nondiscriminatory, as required by Section 1301, 1303 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301, 1303 and 1304;
- c. The lack of an accurate and transparent process for municipalities on the SL-E and SL-C tariff to report to PECO information about their street lighting systems and to review for accuracy the datasets that PECO maintains.
- d. The changes proposed to the SL-E tariff for the service location (or “tap”) fixed distribution charge;
- e. The changes proposed to the SL-E tariff for the variable distribution charge;
- f. The reasonable mix between the fixed and variable components of the distribution charges in the SL-E tariff;

- g. The provisions of the new tariff SL-C for Smart Lighting Control Lighting at Customer-Owned Facilities;
- h. How the Commission's resolution of the issues in this rate proceeding should be impacted by Article 1, Section 27 of the Pennsylvania Constitution (the Environmental Rights Amendment) as interpreted by recent Pennsylvania Supreme Court decisions in *Pennsylvania Environmental Defense Fund v. Commonwealth of Pennsylvania* (161 A.3d 911 (Pa. 2017)) and *Robinson Township v. Commonwealth of Pennsylvania* (83 A.3d 901 (Pa. 2013)); and,
- i. Other issues of importance to DVRPC's member governments that may arise in the discovery or the testimony of other parties.

4) Hearing Schedule and Duration

DVRPC accepts the one-week hearing schedule proposed in the April 20 Prehearing Conference Order, as modified by the schedule PECO and the other parties are suggesting.

5) Witnesses

DVRPC is likely to present the testimony of one or two staff members from municipalities that participated in DVRPC's Regional Streetlight Procurement Program regarding the impact of high fixed charges in the SL-E tariff on energy conservation project economics and the erroneous customer charges resulting from the lack of an accurate dataset for street lighting service locations, taps, and luminaires.

DVRPC reserves the right to call an additional witness or witnesses if warranted by discovery or the testimony of other parties.

6) Schedule for Testimony, Hearings and Briefs

DVRPC accepts the schedule proposed in the April 20 Prehearing Conference Order, as modified by PECO and the parties in recent days, and will work with the parties to address any additional modifications to the schedule.

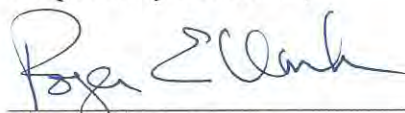
7) Public Input Hearings

DVRPC supports public input in this proceeding and recommends that the Commission hold public input hearings in each of the five counties of southeastern Pennsylvania (Bucks, Chester, Delaware, Montgomery and Philadelphia).

8) Other Matters

DVRPC has no other issues to raise at this time.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Prehearing Memorandum of the Delaware Valley Regional Planning Commission by filing it with the Commission's eFiling system and by filing it upon the following parties by electronic mail:

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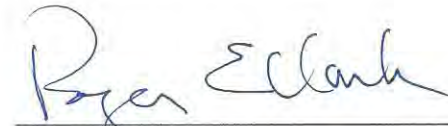
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Respectfully submitted,



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