



November 2, 2020

Via Efiling

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

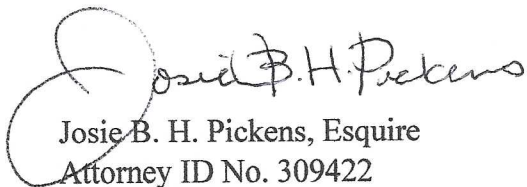
Re: PECO Energy Company's 2016-2018 Universal Service and Energy Conservation Plan, Docket No. M-2015-2507139 Pennsylvania Public Utility Commission v. PECO Energy Company, Docket No. R2018-3000164

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Answer of the Tenant Union Representative Network to the Petition of PECO Energy Company for Expedited Approval to Extend its De Facto Heating Pilot Program and to Use Unspent 2020 Pilot Program and Health and Safety Funds in 2021.

Due to the ongoing COVID-19 pandemic, this Answer is being served via email as indicated on the attached Certificate of Service.

Sincerely,



Josie B. H. Pickens, Esquire
Attorney ID No. 309422

Enclosures

Cc: Certificate of Service
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO Energy Company 2016-2018 Universal Service and Energy Conservation Plan	:	Docket No. M-2015-2507139
	:	
	:	
Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2018-3000164
PECO Energy Company	:	
	:	

Certificate of Service

I hereby certify that I have this day served copies of the Answer of the Tenant Union Representative Network to the Petition of PECO Energy Company for Expedited Approval to Extend its De Facto Heating Pilot Program and to Use Unspent 2020 Pilot Program and Health and Safety Funds in 2021, upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code §1.54 in the manner and upon the persons listed below.

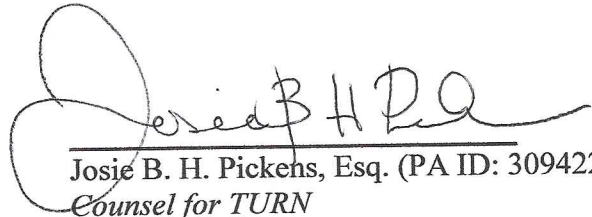
VIA ELECTRONIC MAIL

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November 2, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO Energy Company 2016-2018 Universal Service and Energy Conservation Plan	:	Docket No. M-2015-2507139
	:	
	:	
Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2018-3000164
PECO Energy Company	:	
	:	

**ANSWER OF TENANT UNION REPRESENTATIVE NETWORK TO THE PETITION
OF PECO ENERGY COMPANY FOR EXPEDITED APPROVAL TO EXTEND ITS DE
FACTO HEATING PILOT PROGRAM AND TO USE UNSPENT 2020 PILOT
PROGRAM AND HEALTH AND SAFETY FUNDS IN 2021**

Tenant Union Representative Network (TURN), pursuant to 52 Pa. Code §5.61, hereby submits the following Answer to the Petition of PECO Energy Company for Expedited Approval to Extend its De Facto Heating Pilot Program and to Use Unspent 2020 Pilot Program and Health and Safety Funds in 2021 (“Petition”) filed October 13, 2020. As set forth herein, TURN was a party to the proceedings that gave rise to PECO’s De Facto Heating Pilot and Health and Safety funds, and TURN fully supports the continued use of LIURP funds for these purposes. To the extent approval of PECO’s Petition is necessary, TURN urges the Commission to allow PECO to comply with its existing LIURP obligations, which have been delayed solely due to the COVID-19 pandemic. The money allocated to the De Facto Heating Pilot and LIURP Health and Safety was budgeted and approved to address specific, identified needs, and PECO has an obligation to use those funds as intended. As such, TURN answers PECO’s Petition as follows:

I. STANDING

1. Pursuant to the requirements contained in 52 Pa. Code § 5.61(e) TURN asserts that it has standing to intervene and file an Answer in this proceeding.

2. The Commission's Regulations provide that intervention "may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought." 52 Pa. Code § 5.72(a).
3. The Commission's Regulations permit intervention by persons claiming "an interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72(a)(2).
4. In Pennsylvania, an association may have standing as a representative of its members, provided the organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action.¹ The Commission has previously determined that a not-for-profit organization may have standing in a representational capacity, including both associations and not-for-profit corporations.
5. The Tenant Union Representative Network ("TURN") is a not-for-profit advocacy organization composed of moderate and low income tenants, many of whom are either customers of or dependent on electric service from PECO. TURN is located at 100 South Broad Street, Suite 800, Philadelphia, PA 19120.
6. TURN was a party to both settlements that established PECO's De Facto Pilot and LIURP Health and Safety Program, and therefore has a direct, immediate, substantial and distinct interest in PECO spending the funds to support those programs. In addition, TURN has a direct interest in ensuring that comprehensive energy efficiency and usage

¹ PPL Electric Utilities Corporation's Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796 (internal citations omitted).

reduction programming is available to low-income PECO customers, including TURN's members.

7. TURN is represented in this proceeding by:

Joline R. Price, Esq.
Josie B. H. Pickens, Esq.
Robert W. Ballenger, Esq.
Kintéshia S. Scott, Esq.

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8. Counsel for TURN consents to the service of documents by electronic mail as provided in 52 Pa. Code § 1.54(b)(3).

II. ANSWER TO PECO's PETITION

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted. By way of further response on October 15, 2020, TURN along with the Action Alliance of Senior Citizens of Greater Philadelphia, filed an Answer to PECO's second amendment to its 2019-2024 Universal Service and Energy Conservation Plan, in which PECO proposes to implement the Energy Burdens from the Commission's CAP Policy Statement Order for its CAP FCO on a going forward basis. There, TURN and Action

Alliance urge the Commission to dismiss PECO's proposal because PECO is legally bound by a prior settlement agreement and its current USECP to utilize the Commission's revised energy burdens in calculating CAP FCO bills.²

7. Admitted.

8. Admitted.

9. Admitted. By way of further answer, as of October 31, 2020, the Pennsylvania Department of Health has reported 205,517 total cases of COVID-19 in Pennsylvania, an increase of almost 50,000 cases in the month of October alone.³

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted that PECO is requesting Commission approval as stated. By way of further response, TURN does not believe that additional Commission approval is needed in this case, as the De Facto Heating Pilot program activity was delayed solely due to PECO's inability to complete in-home appointments at the outset of the pandemic. Nevertheless, TURN supports PECO's request and urges the Commission to review and approve quickly. PECO acknowledges that funds remain available to complete the work and that it does not expect to incur any additional costs to restart the program. As we approach the winter heating season, PECO's ability to remediate identified *de facto* heating concerns

² PECO Energy Company's 2019-2024 Universal Service and Energy Conservation Plan, Docket No. M-2018-3005795 (Answer of the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia to the Petition of PECO Energy Company for Approval of an Amendment to Its Proposed Universal Service and Energy Conservation Plan filed October 15, 2020).

³ <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx>

will benefit low-income households.

15. Admitted that PECO is requesting Commission approval as stated. By way of further response, the rate case settlement that gave rise to PECO's health and safety funds requires that PECO "shall use its best efforts to spend these incremental LIURP funds."⁴ As such, TURN does not believe that Commission approval is strictly necessary, as expenditure of the LIURP Health and Safety funds was delayed solely due to PECO's inability to complete in-home appointments at the outset of the pandemic. Nevertheless, TURN supports PECO's request and urges the Commission to review and approve quickly. Doing so will allow PECO to provide critically needed health and safety measures to low-income households.
16. Admitted. By way of further response, PECO's request may not be necessary, because health and safety program activity was delayed solely due to PECO's inability to complete in-home appointments during the pandemic and PECO acknowledges that funds remain available to complete the work.
17. Admitted. By way of further response, as PECO correctly notes, the rate case settlement that gave rise to the health and safety funds obligates PECO to use its best efforts to spend the funds.
18. Admitted in part, denied in part. It is admitted that PECO is requesting Commission approval as stated. It is denied that without Commission approval PECO will be unable to continue its De Facto Pilot or rollover unspent Health and Safety funds. PECO's LIURP program activity was suspended solely due to the pandemic and should resume without Commission preauthorization if PECO has determined that it is safe to provide these

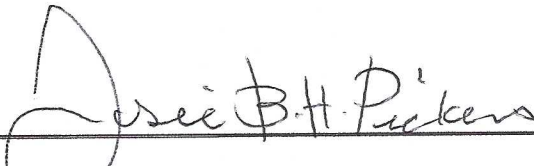
⁴ PA Public Utility Commission v. PECO Energy Company, Docket No. R-2018-3000164 (Appendix C, Joint Petition for Partial Settlement filed August 28, 2018).

services in customers' homes. Further, PECO is legally obligated, pursuant to a Commission approved rate case settlement, to spend its Health and Safety funds.

19. Admitted.

WHEREFORE, for the reasons set forth above, TURN respectfully requests that the Commission approve PECO's Petition for Expedited Approval to Extend its De Facto Heating Pilot Program and to Use Unspent 2020 Pilot Program and Health and Safety Funds in 2021 consistent with PECO's existing LIURP obligations, which have been delayed solely due to the COVID-19 pandemic.

Respectfully submitted,



Josie B. H. Pickens, Esquire (Attorney ID: 309422)
Joline R. Price, Esquire (Attorney ID: 315405)
Robert W. Ballenger, Esquire (Attorney ID: 93434)
Kintéshia S. Scott, Esquire (Attorney ID: 328600)

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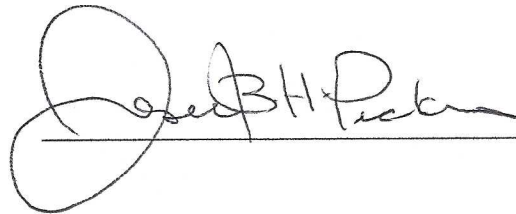
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	:	
	:	
Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2018-3000164
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	:	

VERIFICATION

I, Josie Pickens, hereby state that the facts set forth above in the Answer to the Petition of PECO Energy Company for Expedited Approval to Extend its De Facto Heating Pilot Program and to Use Unspent 2020 Pilot Program and Health and Safety Funds in 2021, are true and correct and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Dated: November 2, 2020



A handwritten signature in black ink, appearing to read "Josie Pickens", is written over a horizontal line. The signature is stylized and cursive.