



COMMUNITY  
LEGAL SERVICES, INC.

---

1424 Chestnut Street, Philadelphia, PA 19102-2505  
Phone: 215.981.3700  
Web Address: www.clsphila.org

January 14, 2013

**By eFiling**

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

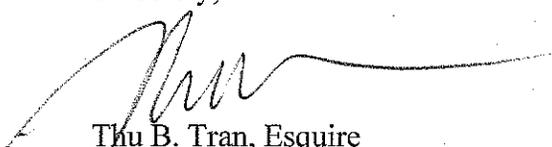
Re: Petition of PECO Energy Company for Approval of its Default Service Program, Docket  
No. P-2012-2283641

PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015, Docket  
No. M-2012-2290911

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**, in the above-captioned matter. Copies of the enclosed have been electronically served upon the Administrative Law Judge and all other parties on the Service List.

Sincerely,



Thu B. Tran, Esquire  
Robert W. Ballenger, Esquire  
Josie B. H. Pickens, Esquire

Attorneys for TURN et al.

Enclosure

cc: Administrative Law Judge Cynthia Fordham  
Service List

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |                |
|---|---|----------------|
| Petition of PECO Energy Company for Approval<br>of its Default Service Program      | : | P-2012-2283641 |
| PECO Energy Company Universal Service and<br>Energy Conservation Plan for 2013-2015 | : | M-2012-2290911 |

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served electronic copies of the **Prehearing Memorandum of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia**, on the attached Service List.

Respectfully submitted,



---

Thu B. Tran, Esquire  
Attorney for TURN, et al.  
COMMUNITY LEGAL SERVICES, INC.  
1424 Chestnut Street  
Philadelphia, PA 19102  
(215) 981-3777

January 14, 2013

**P-2012-2283641 – PETITION OF PECO ENERGY COMPANY FOR APPROVAL OF ITS  
DEFAULT SERVICE PROGRAM**

**SERVICE LIST**

Elizabeth Rose Triscari, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 1102  
Harrisburg, PA 17101  
717-783-2525  
[etriscari@pa.gov](mailto:etriscari@pa.gov)

Edward G. Lanza, Esquire  
Eckerts, Seamans, Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101-1248  
717-232-7162  
[elanza@eckertseamans.com](mailto:elanza@eckertseamans.com)  
***Representing Retail Energy Supply  
Association***

Christy M. Appleby, Esquire  
Candis A. Tunilo, Esquire  
Office of Consumer Advocate  
5<sup>th</sup> Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17101-1923  
1-800-684-6560  
717-783-5048  
[cappleby@paoca.org](mailto:cappleby@paoca.org)  
[ctunilo@paoca.org](mailto:ctunilo@paoca.org)

Kenneth M. Kulak, Esquire  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
215-963-5382  
[kkulak@morganlewis.com](mailto:kkulak@morganlewis.com)  
***Representing PECO***

Divesh Gupta, Esquire  
Constellation Energy  
111 Market Place  
Suite 500  
Baltimore, MD 21202  
410-470-3158  
[divesh.gupta@constellation.com](mailto:divesh.gupta@constellation.com)  
***Representing Constellation New Energy  
and Constellation Energy Group***

Ward Smith, Esquire  
Assistant General Counsel – Exelon  
2301 Market Street  
Philadelphia, PA 19101  
215-841-6863  
[ward.smith@exeloncorp.com](mailto:ward.smith@exeloncorp.com)  
***Representing PECO***

Scott Debroff, Esquire  
Rhoads & Sinon LLP  
One South Market Square, 12th Floor  
P.O. Box 1146  
Harrisburg, PA 17108-1146  
717-237-6716  
[sdebroff@rhoads-sinon.com](mailto:sdebroff@rhoads-sinon.com)  
***Representing Washington Gas Supply  
Services, Inc.***

Thu B. Tran, Esquire  
Robert W. Ballenger, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
215-981-3777  
[ttran@clsphila.org](mailto:ttran@clsphila.org)  
***Representing TURN, et al***

Charis Mincavage, Esquire  
Adeolu A. Bakare, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108  
717-237-5437  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[abakare@mwn.com](mailto:abakare@mwn.com)

***Representing PAIEUG***

Stephen L. Huntoon, Esquire  
NextEra Energy, Inc.  
801 Pennsylvania Avenue, NW  
Suite 220  
Washington, DC 20004  
202-349-3348  
[shuntoon@nexteraenergy.com](mailto:shuntoon@nexteraenergy.com)  
***Representing NextEra Services PA  
LLC & NextEra Energy Power Marketing  
LLC***

Tori L. Giesler, Esquire  
FirstEnergy  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)  
610-921-6658  
***Representing Met-Ed, Penn Power and  
West Penn Power***

Jeffery J. Norton, Esquire  
Carl Shultz, Esquire  
Eckert, Seamans, Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
717-237-6000  
[jnorton@eckertseamans.com](mailto:jnorton@eckertseamans.com)  
***Representing ChoosePA Wind.com***

Josie B.H. Pickens, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
215-981-3704  
***Representing TURN, et al.***  
[jpickens@clsphila.org](mailto:jpickens@clsphila.org)

Todd S. Stewart, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17105-1778  
717-236-1300  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)  
***Representing Dominion Retail, Inc. &  
Interstate Gas Supply Inc.***

Charles E. Thomas, III, Esquire  
Thomas, Long, Niesen & Kennard  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
[cet3@thomaslonglaw.com](mailto:cet3@thomaslonglaw.com)  
717-255-7611  
***Representing Noble Americas Energy  
Solutions LLC***

Patrick M. Cicero, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
717-236-9586  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)  
***Representing CAUSE PA***

Amy M. Klodowski, Esquire  
FirstEnergy Solutions Corp.  
800 Cabin Hill Drive  
Greensburg, PA 15601  
724-838-6765

[aklodow@firstenergycorp.com](mailto:aklodow@firstenergycorp.com)

***Representing First Energy Solutions Corp***

Brian J. Knipe, Esquire  
Buchanan, Ingersoll and Rooney PC  
409 North Second Street, Suite 500  
Harrisburg, PA 17101  
717-237-4820

[brian.knipe@bipc.com](mailto:brian.knipe@bipc.com)

***Representing First Energy Solutions Corp***

Melanie J. Elatieh, Esquire  
UGI Corporation  
460 North Gulph Road  
King of Prussia, PA 19406  
610-992-3750

[elatiehm@ugicorp.com](mailto:elatiehm@ugicorp.com)

***Representing UGI Energy Link***

Daniel Clearfield, Esquire  
Eckert Seamans Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
717-237-7173

[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)

***Representing RESA***

Andrew S. Tubbs, Esquire  
Post & Schell  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
717-612-6057

[atubbs@postschell.com](mailto:atubbs@postschell.com)

***Representing PPL EnergyPlus LLC***

Harry S. Geller, Executive Director  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
717-232-2710

[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

***Representing CAUSE PA***

Amy E. Hamilton, Esquire  
Noel Trask, Esquire  
Exelon Business Services Co.  
300 Exelon Way  
Kennett Square, PA 19348  
610-765-6649

[amy.hamilton@exeloncorp.com](mailto:amy.hamilton@exeloncorp.com)

***Representing ExGen***

Steven Larin  
Acting Executive Director  
Nationalities Service Center  
1216 Arch Street, 4<sup>th</sup> Floor  
Philadelphia, PA 19107  
[info@nscphila.org](mailto:info@nscphila.org)

Will Gonzalez, Executive Director  
CEIBA  
149 W. Susquehanna Avenue  
Philadelphia, PA 19122  
215-634-7245

[will.gonzalez@ceibaphiladelphia.org](mailto:will.gonzalez@ceibaphiladelphia.org)

H. Gil Peach, Ph.D.  
H. Gil Peach & Associates, LLC  
16232 NW Oak Hills Drive  
Beaverton, Oregon 97006  
503-645-0716

[hgipeach@scanamerica.net](mailto:hgipeach@scanamerica.net)

Veronica Ludt, Legal Center Director  
109 E. Price Street  
Philadelphia, PA 19144  
215-438-1390 (Legal Center)  
[vludt@facetofacegermantown.org](mailto:vludt@facetofacegermantown.org)  
***Representing Face to Face***

Laurie Baughman, Esquire  
Elizabeth Marx, Esquire  
3605 Vartan Way, Suite 101  
Harrisburg, PA 17110  
717-545-6400  
[lbaughman@pcadv.org](mailto:lbaughman@pcadv.org)  
[emarx@pcadv.org](mailto:emarx@pcadv.org)  
***Representing Pennsylvania Coalition  
Against Domestic Violence (PCADV)***

Maripat Pileggi, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
215-981-3788  
[mpileggi@clsphila.org](mailto:mpileggi@clsphila.org)  
***Representing ACHIEVA, et al.***

Natasha Kelemen, Executive Director  
Pennsylvania Immigration &  
Citizenship Coalition  
2100 Arch Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19103  
215-832-0527  
[admin@paimmigrant.org](mailto:admin@paimmigrant.org)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |                |
|---|---|----------------|
| Petition of PECO Energy Company for Approval<br>of its Default Service Program      | : | P-2012-2283641 |
| PECO Energy Company Universal Service and<br>Energy Conservation Plan for 2013-2015 | : | M-2012-2290911 |

**Pre-Hearing Memorandum of Tenant Union Representative Network and  
Action Alliance of Senior Citizens of Greater Philadelphia**

Tenant Union Representative Network (“TURN”) and Action Alliance of Senior Citizens of Greater Philadelphia (“Action Alliance”), (collectively “TURN et al.”), through counsel Community Legal Services, Inc., hereby submit the following Pre-Hearing Memorandum pursuant to the Prehearing Conference Order of January 9, 2013.

1. History of the Proceeding.

On February 28, 2012, PECO Energy Company (“PECO” or “Company”) filed the above-captioned universal service and energy conservation plan (“USEC Plan”) pursuant to the Commission’s regulations at 52 Pa. Code §§ 54.71-54.78. PECO’s amended plan was filed on October 15, 2012.

In its Opinion and Order entered on October 12, 2012, in Petition of PECO Energy Company for Approval of its Default Service Plan at Docket No. P-2012-2283641, the Commission directed PECO to develop a Shopping Plan that will allow its Customer Assistance Program (“CAP”) customers to purchase generation supply from electric generation suppliers (“EGSs”) by January 1, 2014.

On November 8, 2012, the Commission issued a Tentative Order tentatively approving PECO's USEC Plan, in part, and soliciting comments from interested parties on issues identified in the Tentative Order. On January 3, 2013, the Commission issued a Secretarial Letter assigning the matter to the Office of the Administrative Law Judge (OALJ) for hearing and briefing and certification of the record (if any) by March 1, 2013. On January 9, 2013, Administrative Law Judge Cynthia Williams Fordham issued a Prehearing Conference Order directing that prehearing conference memoranda be submitted by January 14, 2013.

## 2. Proposed Schedule

TURN et al. are in discussions with the parties regarding a proposed schedule for discovery, testimony, hearings and briefs.

## 3. Settlement.

TURN et al. are willing to participate in settlement negotiations concerning all issues raised by this case.

## 4. Witnesses and Testimony.

At this time, TURN et al. intend to present the testimony of H. Gil Peach and will submit Mr. Peach's direct and reply testimony, as may be appropriate. Mr. Peach's contact information is as follows:

H. Gil Peach  
H. Gil Peach & Associates  
16232 NW Oak Hill Drive  
Beaverton, OR 97006-5242  
Phone: 503-645-0761, Fax: 503-946-3064

hgilpeach@scanamerica.net

TURN et al. reserve the option to call other witnesses as appropriate to reply to other parties' testimony.

5. Issues to be Presented.

PECO must obtain Commission approval of its proposed Universal Services Three-Year Plan 2013-2015 as the Public Utility Code and Commission regulations mandate that the Commission ensure universal service and energy conservation policies, activities and services for residential electric customers are appropriately funded and available in each electric distribution company territory. 66 Pa.C.S. § 2408(9), 52 Pa. Code § 54.71. The term "universal service and energy conservation" includes customer assistance programs ("CAPs"), termination of service protection and policies and services that help low-income customers to reduce or manage energy consumption. 66 Pa.C.S. § 2403, 52 Pa. Code § 54.72. A CAP is an alternative collection method that provides payment assistance to low-income, payment troubled utility customers. 52 Pa. Code § 54.72, 52 Pa. Code § 69.261.

On November 8, 2012, the Commission issued a Tentative Order approving PECO's Plan, in part, and seeking comments from interested parties on specific aspects of the plan. The Commission identified the following issues as possible violations of applicable statutes, regulations, or guidelines and solicited comments on: whether PECO should eliminate the CAP Rate design and move to a percent of income plan design; whether PECO is accurately assigning customers to CAP Rate A; whether PECO should retain its one-year arrearage forgiveness policy; whether PECO should require customer education and positive customer response rather than

automatic enrollment in CAP upon receipt of a LIHEAP grant; whether requiring Social Security Numbers is necessary to the operation of PECO's CAP; whether requiring a notarized letter of no income is necessary to the operation of PECO's CAP; whether PECO should apply CAP credits on an individual customer basis; whether PECO's LIURP education efforts are effective, and whether improvements are needed to training efforts to make the proper referrals to LIURP and CARES programs.

Interested parties submitted comments and reply comments in which they raised relevant material factual questions and requested that several issues be referred to the Office of the Administrative Law Judge (OALJ) for hearing and decision. TURN et al. submitted comments on November 28, 2012 and Reply Comments on December 10, 2012. In its comments, TURN et al. urged the Commission to: eliminate the CAP Rate design and move to a percent of income payment plan design consistent with the CAP Policy Statement; increase enrollment in CAP Rate A by moving CAP Rate B customers with extenuating circumstances to CAP Rate A while it is still in effect; retain the current policy of automatic enrollment in CAP upon receipt of a LIHEAP grant; cease the practice of requiring Social Security Numbers from CAP household members and requiring notarized statements of no income; retain the current policy of applying CAP credit maximums on an average customer design basis; and increase LIURP referral training and provide the resources needed to ensure effective LIURP treatments to those households requiring LIURP.

In this proceeding, TURN et al. will address the issues presented in the November 8, 2012 Tentative Order and provide further support for TURN et al.'s comments and reply

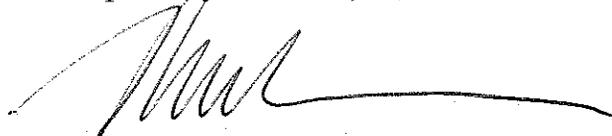
comments submitted thus far. TURN et al. reserve the right to raise other issues in reply to other parties' testimony.

7. Service on TURN et al.

TURN et al. will be represented in this case by Thu B. Tran, Esquire, Robert W. Ballenger, Esquire, and Josie B. H. Pickens, Esquire, who will accept electronic delivery of documents. One hard copy of all documents should also follow by first class mail to TURN et al. as follows:

Thu B. Tran, Esquire  
Community Legal Services, Inc.  
1402 Chestnut Street  
Philadelphia, PA 19102  
Telephone: 215-981-3777  
Facsimile: 215-981-0436  
E-mail: [ttran@clsphila.org](mailto:ttran@clsphila.org); [rballenger@clsphila.org](mailto:rballenger@clsphila.org); [jpickens@clsphila.org](mailto:jpickens@clsphila.org)

Respectfully submitted,



---

Thu B. Tran, Esquire (Atty ID: 83086)  
Robert W. Ballenger, Esquire (Atty ID: 93434)  
Josie B. H. Pickens, Esquire (atty ID: 309422)

Attorneys for TURN, et al.  
COMMUNITY LEGAL SERVICES, INC.  
1424 Chestnut Street  
Philadelphia PA 19102

January 14, 2013