

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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May 17, 2013

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

RE: PECO Energy Company's Second Amended  
Universal Service Three-Year Plan (2013-  
2015)  
Docket No. M-2012-2290911

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Comments, in the above-referenced proceeding.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christy M. Appleby".

Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824

Enclosures

cc: Honorable Cynthia W. Fordham, ALJ  
Grace McGovern, Bureau of Consumer Services  
David Mick, Bureau of Consumer Services

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO Energy Company's Second Amended :  
Universal Services Three-Year Plan (2013-2015) : Docket No. M-20122290911

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COMMENTS  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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I. INTRODUCTION

On May 6, 2013, PECO Energy Company (PECO or the Company) filed its Revised Second Amended Universal Services Three-Year Plan (2013-2015) (Second Amended Plan) with the Pennsylvania Public Utility Commission (Commission).<sup>1</sup> The Second Amended Plan was filed in accordance with the Commission's April 4, 2013 Order in this proceeding which approved, with modifications, PECO's originally filed Universal Services Three-Year Plan.

The OCA files the following Comments in response and requests that clarifications be made to PECO's Universal Services Three-Year Plan with respect to: (1) enrollment of CAP Rate B customers in CAP Rate A; (2) arrearage forgiveness; (3) Social Security Numbers; (4) zero dollar income; and (5) the Low Income Usage Reduction Program (LIURP).

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<sup>1</sup> The OCA notes that the cover letter for the filing is dated May 6, 2013. The OCA only received the Plan via e-mail at 1:02 p.m. on May 7, 2013 and did not receive a hard copy of the filing via first class mail.

## II. COMMENTS

### A. Enrollment of CAP Rate B Customers in CAP Rate A

Regarding the enrollment of CAP Rate B customers in CAP Rate A, PECO states in its Second Amended Plan: “[a]s directed by the Commission’s April 4, 2013 Order (p. 52, concluding paragraph 2), PECO will implement an on-going process to reach out to CAP B customers to notify them of their potential eligibility of CAP Rate A.” Second Amended Plan at 16. The OCA submits that the language in the Second Amended Plan does not fulfill the requirements of the Commission’s Order on this issue. In its concluding paragraph, the Commission’s Order states that:

PECO is directed to make a concerted outreach effort as it did in 2008, to target enrollment in CAP Rate A an ongoing practice. PECO is also directed to train or retrain consumer services and outreach staff concerning the eligibility requirements and benefits of CAP A.

Order at 52.

The OCA submits that the Second Amended Plan does not specifically state that the Company plans to undertake the same level of efforts it took in 2008 to enroll customers in CAP Rate A on an on-going basis. The OCA requests that the Company clarify in its Plan that the Company’s reference to a “concerted effort” means that PECO intends to make that same level of effort in enrolling CAP Rate B customers into CAP Rate A on an on-going basis as directed by the Commission’s Order.

The Order also specifically directs PECO “to train or retrain consumer services and outreach staff concerning the eligibility requirements and benefits of CAP Rate A.” The Company has not stated in its Second Amended Plan how it plans to implement this requirement, only that it is “underway”. Cover Letter to Second Amended Plan. This training or re-training of consumer services and outreach staff is an important component of the Commission’s efforts

for PECO to increase the number of customers enrolled in CAP Rate A. The OCA requests that PECO amend its Plan to include the efforts that the Company will take to train or retrain consumer services and outreach staff about CAP Rate A.

B. Arrearage Forgiveness

In its Second Amended Plan, PECO states that:

As directed by the Commission's April 4, 2013 Order (p. 52, concluding paragraph 3), PECO will continue to apply 1/12<sup>th</sup> PPA forgiveness for payments received throughout the year on a month-to-month basis. PECO will also enable an enhanced forgiveness process for customers who are caught up on payments at the 12 month mark or beyond.

Second Amended Plan at 15. The Commission's concluding paragraph states that:

PECO will apply one-twelfth pre-program arrearage forgiveness for in-full, on-time payments received throughout the year on a month to month basis and grant forgiveness when missed payments are caught up.

Order at 52.

The OCA notes that the Commission specifically adopted OCA witness Colton's recommendations regarding arrearage forgiveness and directed that the Company "grant forgiveness when missed payments are caught up." Order at 29. Mr. Colton's recommended "forgiveness on a month-to-month basis as complete bill payments are received OR at the end of the 12 months, grant forgiveness for the year if the customer paid the yearly amount billed in full (caught up), regardless if the monthly payments were on time." Order at 29. The OCA requests that PECO clarify that the "enhanced forgiveness process" will allow arrearage forgiveness to those customers who have missed payments during the course of the year, but have subsequently made up those payments.

C. Social Security Numbers

PECO states in its Second Amended Plan that the Company “will request but will not require a social security or ITIN number for the customer of record or any household member for the purposes of enrollment into CAP.” Second Amended Plan at 13. The Commission Order states that:

PECO will accept ITINs in lieu of SSNs for those customers who do not have a SSN. For those who refuse to provide a SSN or ITIN, PECO will waive that requirement without the customers losing their CAP eligibility and will disclosure [sic] these options on the CAP application. PECO will make contact with PCADV, within the next 30 days to develop a process to ensure privacy for victims of domestic violence.

Order at 52. The OCA has two concerns with the proposed language in PECO’s Second Amended Plan: (1) the Commission directed that there be an explicit right to refuse the information included on the CAP application and (2) PECO did not address in its Second Amended Plan how it will address the concerns identified by the Pennsylvania Coalition Against Domestic Violence [PCADV].

PECO’s Second Amended Plan language only provides that customers have the right to refuse to provide the Social Security Number or Individual Taxpayer Identification Number (ITIN). The language does not state that PECO plans to include the right to refuse to provide either the Social Security Number or the ITIN on the CAP application, as directed by the Commission’s Order. The OCA requests that PECO specifically include in its Amended Plan that customers will be informed on the CAP application that the customer has the right to refuse to provide this information.

Further, the Second Amended Plan does not address what processes were agreed upon in the 30 day interval between the Commission’s Order and the filing of the Second Amended Plan

between PECO and the PCADV to ensure the privacy for victims of domestic violence. The Cover Letter only states “Contact made, discussions underway.” Cover Letter to Second Amended Plan. The OCA requests that PECO clarify in its Amended Plan what steps are being taken to ensure privacy for victims of domestic violence.

D. Zero Dollar Income

The Second Amended Plan states that:

As directed by the Commission’s April 4, 2013 Order (p. 53, concluding paragraph 6), if a customer or any household member 18 years of age or older claims no income, the customer or household member must provide a statement demonstrating how they pay their monthly expenses.

Second Amended Plan at 13 (emphasis added). The OCA submits that the Commission’s Order did not include the language regarding providing zero income information for any household member 18 years of age or older. The Commission Order states:

PECO will accept, from a household claiming no income, a detailed explanation of how the customer pays for basic living costs rather than having the statement notarized. PECO is directed to analyze these situations as they come in, and use good judgment in requiring quarterly recertification. PECO is directed to contact PCADV within the next 30 days, to construct agreeable document language.

Order at 52.

The OCA submits that PECO’s proposed language is much broader than the Commission’s Order. Under PECO’s proposed language, any member of a household claiming zero income would need to provide a statement of zero income. This could be interpreted to mean that regardless of the total household’s income, if one of the household members over the age of 18 years has a zero income, then that person would be required to provide a statement of zero income and to demonstrate how that individual pays his or her monthly expenses. This goes beyond the scope of PECO’s proposal in this case and in the Commission’s Order on the matter. The OCA requests that PECO clarify its language to refer to a household with zero income.

Further, the Second Amended Plan does not address what language was agreed upon in the 30 day interval between the Commission's Order and the filing of the Second Amended Plan between PECO and the PCADV regarding the zero income statement. The Cover Letter only states "Contact made, discussions underway." Cover Letter to Second Amended Plan. The OCA requests that PECO clarify in its Amended Plan what language has been constructed to address the PCDAV's concerns with the zero income statement.

E. Low Income Usage Reduction Program (LIURP)

The Commission's Order also discussed the need for PECO to increase its targeting efforts of Low Income Usage Reduction Program (LIURP) participants. Order at 42-45. While the Commission did not include a specific concluding paragraph regarding LIURP, the "Resolution" of the LIURP section states that:

The Commission finds that some retraining of staff may be necessary to ensure that referrals are made and LIURP eligible customers are correctly identified. The Commission does not find that an increase in LIURP budgeting is required to accomplish this objective. The Commission agrees with PECO that there are some situations where a customer, who meets all guidelines for LIURP, does not accept treatment or is otherwise determined to be ineligible for LIURP. Accordingly, PECO is directed to review the current practices to determine if additional targeting or assessment of customers, especially those at or below 25 percent of FPIG is necessary to provide proper referrals in the future.

Order at 45 (emphasis added).

PECO did not include this directive in its list of compliance information with the Second Amended Plan. Nor did PECO discuss if it plans to take the Commission's advice to retrain staff to ensure that referrals are made and LIURP participants are correctly identified. The OCA respectfully requests that PECO include in its Amended Plan whether it plans to review its current practices to determine if additional targeting or assessment of customers is necessary in

order to provide proper referrals and whether it plans to provide additional training to its staff regarding the targeting of LIURP participants.

### III. CONCLUSION

WHEREFORE, the Office of Consumer Advocate respectfully requests that PECO's Second Amended Plan should be modified in accordance with these Comments in Order to be compliant with the Commission's April 4, 2013 Order.

Respectfully Submitted,



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DATE: May 17, 2013

CERTIFICATE OF SERVICE

RE: PECO Energy Company's Second Amended Universal Service Three-Year Plan (2013-2015)  
Docket No. M-2012-2290911

I hereby certify that I have this day served a true copy of the foregoing, the Office of Consumer Advocate's Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 17th day of May 2013.

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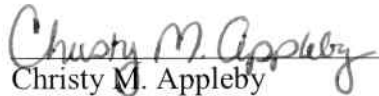
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