



118 Locust Street  
Harrisburg PA, 17101

**PULP**

PENNSYLVANIA  
UTILITY LAW PROJECT

May 21, 2013

Via E-Filing

Secretary Rosemary Chiavetta  
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 Nos. P-2012-2283641**

Dear Secretary Chiavetta:

Enclosed please find the Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") in the captioned proceeding regarding PECO's Petition for Approval of its CAP Shopping Plan.

Kindly notify the undersigned if you have any questions or concerns about this filing.

Respectfully submitted,

Harry S. Geller, Esquire  
Patrick M. Cicero, Esquire  
*Counsel for CAUSE-PA*

CC: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for Approval  
of its Default Service Program** :  
: **P-2012-2283641**  
:

**ANSWER OF THE COALITION FOR AFFORDABLE UTILITY SERVICES AND  
ENERGY EFFICIENCY IN PENNSYLVANIA TO THE PETITION OF PECO ENERGY  
COMPANY FOR APPROVAL OF ITS CUSTOMER ASSISTANCE PROGRAM  
SHOPPING PLAN**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, pursuant to 52 Pa. Code § 5.61(e) hereby files this Answer to the Petition of PECO Energy Company for Approval of its Customer Assistance Program Shopping Plan, which was filed May 1, 2013 at the captioned Docket Number. For the reasons stated herein, CAUSE-PA requests that the Pennsylvania Public Utility Commission (“PUC” or “Commission”) find that CAUSE-PA has standing to participate in this proceeding and conduct full hearings, after a reasonable opportunity for discovery, prior to reaching a decision on the merits of PECO’s Petition. In support, CAUSE-PA states as follows:

**I. BACKGROUND**

On January 13, 2012, PECO Energy Company (“PECO” or the “Company”) filed a Petition for Approval of its Default Service Program (“Petition) to this Docket No. P-2012-2283641. The filing was made to establish the terms and conditions under which PECO will procure default service supplies, provide default service to non-shopping customers, satisfy the

requirements imposed by the Alternative Energy Portfolio Standards Act<sup>1</sup> (“AEPs Act”), and recover all associated costs on a full and current basis for the period of June 1, 2013 through May 31, 2015.

On February 13, 2012 the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its attorneys at the Pennsylvania Utility Law Project, filed a Petition to Intervene in this proceeding at Docket No. P-2012-2283641. Intervention was granted on March 19, 2012, and CAUSE-PA has actively participated as a party in this proceeding.

In its Opinion and Order entered on October 12, 2012, 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 seeking comments on specific aspects of *PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015* (“Universal Services Plan” or “USEC Plan”) at Docket M-2012-2290911.

Upon review of the comments and reply comments filed pursuant to the November 8, 2012 Tentative Order, the Commission noted that some interested parties share the Commission’s concerns and some have requested the opportunity to participate in an evidentiary proceeding before an Administrative Law Judge (“ALJ”) to more fully review and analyze relevant data.

On January 3, 2013, a Secretarial Letter was issued to address procedural issues in the PECO Energy Company, Inc. (“PECO”) Default Service Plan and Universal Service and Energy Conservation Plan proceedings. In an effort to issue a Final Order on PECO’s Universal Service and Energy Conservation Plan for 2013-2015 before PECO filed its plan that allows CAP customers to shop for generation supply (Shopping Plan), the matters were assigned to the Office

---

<sup>1</sup> 73 P.S. §§ 1648.1-1648.8 and related provisions of 66 Pa. C.S. §§ 2813-14.

of Administrative Law Judge to conduct any necessary evidentiary hearings and briefing, and certify the record (if any) regarding the Universal Service and Energy Conservation Plan to the Commission by March 1, 2013.

Hearings were held and PUC ALJ Fordham certified the record in the Universal Service and Energy Conservation Plan proceedings at Docket No. M-2012-2290911 and for Docket No. P-2012-2283641 by March 1, 2013. On April 4, 2013 the Commission entered its Final Order on the amended Universal Service and Energy Conservation Plan for 2013-2015, as filed by PECO Energy Company on October 15, 2012. In its Final Order, the Commission partially approved PECO's plan and ordered PECO to file a second amended Universal Service and Energy Conservation Plan for 2013-2015 within 30 days.

On May 1, 2013, PECO filed at the captioned docket a petition seeking approval of its Customer Assistance Program Shopping Plan. This is the Petition which forms the subject of this proceeding.

In the instant petition, PECO requests that the Commission enter an Order: (1) approving the CAP Shopping Plan; (2) approving the proposed changes to the Company's Electric Tariff and Electric Generation Supplier Coordination Tariff (the "Supplier Tariff") to implement the Plan and achieve full and current recovery of Plan costs; (3) granting a waiver of the quarterly reconciliation provisions of the Commission's regulations (52 Pa. Code §§ 54.187(i) and (j), to the extent necessary, to implement an annual reconciliation of the over/under collection component of the Generation Supply Adjustment ("GSA") for residential customers; and (4) approving a short delay in the commencement date of the Plan from April 1, 2014, to April 15, 2014, to accommodate the Company's information technology ("IT") programming and integrated software schedule.

## II. ANSWER

Pursuant to requirements contained in 52 Pa. Code § 5.61(e)(2), CAUSE-PA asserts that it has standing to file this answer and intervene in this proceeding. CAUSE-PA has already been granted intervenor status in this proceeding by Order of ALJ Buckley on March 19, 2012.

CAUSE-PA intends to fully participate in this proceeding, has reviewed the Petition, and has preliminarily identified a number of issues presented by the filing regarding the structure and components of the PECO CAP Shopping Plan. CAUSE-PA anticipates that additional issues may arise as a more comprehensive review of PECO's filing is undertaken, including a more comprehensive review of PECO's testimony, as well as any discovery that is conducted.

The preliminary issues identified by CAUSE-PA relate to how PECO will ensure that:

- a. CAP shopping customers' monthly asked to pay amounts are affordable;
- b. CAP shopping customers maintain their full universal service program protections;
- c. CAP shopping customers experience no reduction or loss of benefits as a result of shopping;
- d. CAP shopping customers are assured that the competitive price charged to them is always at or below PECO's Price to Compare;
- e. CAP customers who leave CAP are able to switch to an alternate supplier or back to the Default Service Provider at any time without any fee or penalty;
- f. CAP customers are exempt from security or other deposit requirements that an EGS might otherwise impose;
- g. Written information regarding the rights and responsibilities of CAP customers who shop are provided;
- h. The written materials provided, as well as any other communications to CAP and potentially CAP eligible consumers, are clear, in plain language, prominently displayed and comprehensive; and

- i. Non-English speaking customers will be provided the same materials and information.

CAUSE-PA intends to fully explore these issues through discovery and testimony of its witness.

**WHEREFORE**, CAUSE-PA respectfully requests that the PECO CAP Shopping Plan presented in this matter be set for hearings to ensure (1) that the PECO shopping plan adequately protects and addresses the needs of CAP and CAP eligible low-income customers; and, (2) that the proposed CAP Shopping Plan is consistent with Pennsylvania law.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



Harry S. Geller, Esq., PA ID: 22415  
Patrick M. Cicero, Esq., PA ID: 89039  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
Fax: 717-233-4088  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

May 21, 2013

## VERIFICATION

I, **Carl Bailey**, a member of the Executive Committee of the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Carl Bailey, on behalf of the  
Executive Committee of the Coalition for Affordable  
Utility Services and Energy Efficiency in Pennsylvania  
(CAUSE-PA)

Date: May 21, 2013

**Petition of PECO Energy Company for Approval** :  
**of its Default Service Program** : **P-2012-2283641**

**Certificate of Service**

I hereby certify that in accordance with the requirements of 52 Pa. Code § 1.54, I have this day served copies, in the manner stated below, of the attached Answer upon the parties designated in the Service List attached to the May 16, 2013 Pre-Hearing Order of Cynthia Williams Fordham, Administrative Law Judge.

**BY EMAIL and US Mail**

Romulo L. Diaz, Jr., Esquire  
Anthony E. Gay, Esquire  
Jack R. Garfinkle, Esquire  
**PECO Energy Company**  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101  
[romulo.diaz@exelon.com](mailto:romulo.diaz@exelon.com)  
[anthony.gay@exelon.com](mailto:anthony.gay@exelon.com)  
[jack.garfinkle@exelon.com](mailto:jack.garfinkle@exelon.com)

Thomas P. Gadsden, Esquire  
Kenneth M. Kulak, Esquire  
Brooke E. McGlinn, Esquire  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
[tgadsden@morganlewis.com](mailto:tgadsden@morganlewis.com)  
***Counsel for PECO***

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

Carrie B. Wright, Esquire  
Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[carwright@pa.gov](mailto:carwright@pa.gov)

Tanya J. McCloskey, Esquire  
Candis A. Tunilo, Esquire  
Christy M. Appleby, Esquire  
Amy Hirakis  
**Office of Consumer Advocate**  
5<sup>th</sup> Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17101-1923  
[tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)  
[ctunilo@paoca.org](mailto:ctunilo@paoca.org)  
[cappleby@paoca.org](mailto:cappleby@paoca.org)  
[ahirakis@paoca.org](mailto:ahirakis@paoca.org)

Daniel Clearfield, Esquire  
Deanne M. O'Dell, Esquire  
Edward G. Lanza, Esquire  
Eckerts, Seamans, Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101-1248  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
[elanza@eckertseamans.com](mailto:elanza@eckertseamans.com)  
***Counsel for Retail Energy Supply  
Association & Direct Energy***

Divesh Gupta, Esquire  
Constellation Energy  
100 Constellation Way  
Suite 500C  
Baltimore, MD 21202  
[Divesh.gupta@constellation.com](mailto:Divesh.gupta@constellation.com)  
***Counsel for Constellation New Energy  
and Constellation Energy Group***

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

Stephen L. Huntoon, Esquire  
NextEra Energy, Inc.  
801 Pennsylvania Avenue, NW  
Suite 220  
Washington, DC 20001  
[shuntoon@nexteraenergy.com](mailto:shuntoon@nexteraenergy.com)  
***Counsel for 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)  
***Counsel for Met-Ed, Penn Power and  
West Penn Power***

Jesse A. Dillon  
PPL Services Corporation  
Office of General Counsel  
Two North Ninth Street  
Allentown, PA 18106  
[jadillon@pplweb.com](mailto:jadillon@pplweb.com)  
***Counsel for PPL Energy Plus, LLC***

Thu B. Tran, Esquire  
Robert W. Ballenger, Esquire  
George D. Gould, Esquire  
Josie Pickens, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
[ttran@clsphila.org](mailto:ttran@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
[ggould@clsphila.org](mailto:ggould@clsphila.org)  
[jpickens@clsphila.org](mailto:jpickens@clsphila.org)  
***Counsel for TURN, et al  
Services, Inc.***

Todd S. Stewart, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17105-1778  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)  
***Counsel for 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)  
***Counsel for Noble Americas Energy  
Solutions LLC***

Jeffery J. Norton, Esquire  
Carl Shultz, Esquire  
Eckert, Seamans, Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[jnorton@eckertseamans.com](mailto:jnorton@eckertseamans.com)  
[cshultz@eckertseamans.com](mailto:cshultz@eckertseamans.com)  
***Counsel for Green Mountain Energy &  
ChoosePA Wind.com***

Amy M. Klodowski, Esquire  
FirstEnergy Solutions Corp.  
800 Cabin Hill Drive  
Greensburg, PA 15601  
[aklodow@firstenergy.com](mailto:aklodow@firstenergy.com)  
***Counsel for First Energy Solutions Corp***

Brian J. Knipe, Esquire  
Buchanan, Ingersoll and Rooney PC  
409 North Second Street, Suite 500  
Harrisburg, PA 17101  
***Counsel for First Energy Solutions Corp***

Melanie J. Elatieh, Esquire  
UGI Corporation  
460 North Gulph Road  
King of Prussia, PA 19406  
[elatiehm@ugicorp.com](mailto:elatiehm@ugicorp.com)  
***Counsel for UGI Energy Link***

Will Gonzalez, Executive Director  
CEIBA  
149 W. Susquehanna Avenue  
Philadelphia, PA 19122  
[Will.gonzalez@ceibaphiladelphia.org](mailto:Will.gonzalez@ceibaphiladelphia.org)

Telemac N. Chryssikos  
Washington Gas Energy Services, Inc.  
101 Constitution Avenue, N.W., Room 319  
Washington, DC 20080  
[tchryssikos@washgas.com](mailto:tchryssikos@washgas.com)  
***Counsel for Washington Gas Energy  
Services, Inc.***

Amy E. Hamilton, Esquire  
Noel Trask, Esquire  
Exelon Business Services Co.  
300 Exelon Way  
Kennett Square, PA 19348  
[Amy.hamilton@exelon.corp.com](mailto:Amy.hamilton@exelon.corp.com)  
***Counsel for ExGen***

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

Thomas McCann Mullooly  
Foley & Lardner LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202  
[tmullooly@foley.com](mailto:tmullooly@foley.com)  
[sdzieminski@foley.com](mailto:sdzieminski@foley.com)  
***Counsel for Exelon Generation Co.,  
LLC and Exelon Energy Company***

Andrew S. Tubbs, Esquire  
Post & Schell  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
[atubbs@postschell.com](mailto:atubbs@postschell.com)  
***Counsel for PPL EnergyPlus LLC***

Veronica Ludt, Legal Center Director  
109 E. Price Street  
Philadelphia, PA 19144  
***Counsel for Face to Face***

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

Melanie Santiago-Mosier  
Washington Gas Energy Service, Inc.  
13865 Sunrise Valley Drive, Suite 200  
Herndon, VA 20171  
[mmosier@wges.com](mailto:mmosier@wges.com)  
***Counsel for Washington Gas Energy  
Services, Inc.***

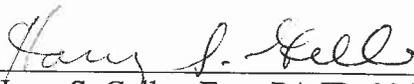
H. Gil Peach, Ph.D.  
H. Gil Peach & Associates, LLC  
16232 NW Oak Hills Drive  
Beaverton, Oregon 97006  
[hgpeach@scanamerica.net](mailto:hgpeach@scanamerica.net)

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

Natasha Kelemen, Executive Director  
Pennsylvania Immigration &  
Citizenship Coalition  
2100 Arch Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19103

Jesse A. Dillon  
PPL Services Corporation  
Office of General Counsel  
Two North Ninth Street  
Allentown, PA 18106  
[jadillon@pplweb.com](mailto:jadillon@pplweb.com)  
***Counsel for PPL Energy Plus, LLC***

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

  
Harry S. Geller, Esq., PA ID: 22415  
Patrick M. Cicero, Esq., PA ID: 89039  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
Fax: 717-233-4088  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

Date: May 21, 2013