

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

**Petition of PECO Energy Company for
Approval of its Default Service Plan**

Public Meeting held February 20, 2014
2283641-OSA
Docket No. P-2012-2283641

STATEMENT OF COMMISSIONER GLADYS M. BROWN

At the January 9, 2014 public meeting, I partially dissented on the approval of PECO Energy Company's Customer Assistance Program (CAP) Shopping Plan. I did so because I believe that affordability is of paramount concern for CAP customers. As I stated before, I believe that the price ceiling on electric generation supplier offers proposed by PECO justly maintains affordability for CAP participants.

With regard to the Application for Stay currently before us, I believe that the Joint Petitioners have met the standard set forth in our caselaw for granting a petition for stay.¹ I am persuaded by the Joint Petitioners' argument that if PECO's CAP shopping plan is implemented in its current form, low income customers will be subject to the unpredictability of the market which, due to inelastic household budgets, would result in irreparable harm. This is not a speculative allegation given the recent volatility we have seen in the energy markets. Because I believe that the Application for Stay should be granted, I will register a partial dissent in this matter.

February 20, 2014

Date



Gladys M. Brown, Commissioner

¹ The standard is set forth in *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d 921 (D.C. Cir. 1958) and reiterated in *Pa. PUC v. Process Gas Consumers Group*, 502 Pa. 545, 467 A.2d 805 (1983) rev'd on other grounds by 511 Pa. 88, 511 A.2d 1315 (1986).