

ORIGINAL

BTL

1424 Chestnut Street, Philadelphia, PA 19102-2505
Phone: 215.981.3700, Fax: 215.981.0434
Web Address: www.clsphila.org

April 25, 2003

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, 7 North
400 North Street
Harrisburg, PA 17120

Filed by Federal Express

DOCUMENT

Re: PECO Energy Company's Petition for Expedited Approval of Consensus
Modifications to PECO Energy Company's Universal Service Program and
Associated Tariff Changes, Docket Nos. R-00027870; M - 00001418

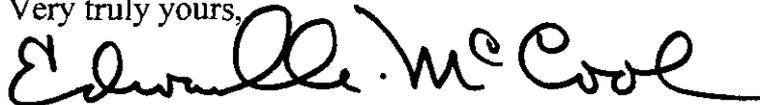
Dear Secretary McNulty:

We represent the Consumers Education and Protective Association (CEPA), the
Association of Community Organizations for Reform Now (ACORN), Action Alliance of
Senior Citizens of Greater Philadelphia, and the Tenants Action Group (TAG)
(collectively CEPA et al.) in the above-captioned matter.

Enclosed please find for filing an original and nine copies of the Comments of
Consumers Education and Protective Association, Association of Community
Organizations for Reform Now, Tenants' Action Group and Action Alliance of Senior
Citizens Regarding the March 8, 2003 Tentative Oder.

Copies of these Comments are being served upon interested parties as set forth in
the attached Certificate of Service.

Very truly yours,



EDWARD A. MCCOOL, ESQUIRE
PHILIP A. BERTOCCHI, ESQUIRE

Attorneys for CEPA et al.

cc: Certificate of Service

Enclosures

RECEIVED

APR 25 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

93

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: PECO Energy Company's Petition for Expedited	:	Docket Nos:
Approval of Consensus Modification	:	R-00027870
to PECO Energy Company's Universal	:	M - 00001418
Service Program and Associated Tariff Changes	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document, by first class mail, upon the individuals listed below.

Mitchell Miller, Director
Bureau of Consumer Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Tanya McCloskey/Irwin A. Popowsky
Office of Consumer Advocates
555 Walnut Street
Forum Place
Harrisburg, PA 17101-1923

Carol Pennington, Assistant Small Business Advocate
Office of Small Business Advocate
Suite 1202, Commerce Building
300 North 2nd Street
Harrisburg, PA 17101

Kent D. Murphy, Esquire
Assistant General Counsel
Legal Department
Exelon Business Services Company
2301 Market Street /S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

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APR 25 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Harry Geller, Esquire
Pennsylvania Public Utility Law Project
118 Locust Street
Harrisburg, PA 17101-1414

Edward Lynch, Executive Director
Utility Emergency Services Fund
125 South 9th Street - Suite 501
Philadelphia, PA 19107

Ms. Ruth A. Meeley
Assistant Director, LIHEAP
Pennsylvania Department of Public Welfare
4601 Market Street - 2nd Floor
Philadelphia, PA 19139

Charis Burak, Esquire
McNees, Wallace and Nurick
100 Pine Street
Harrisburg, PA 17108
(Counsel for Philadelphia area Industrial Users Group)



EDWARD A. McCOOL, ESQUIRE
Counsel for CEPA, etc
Community Legal Services, Inc
1424 Chestnut Street - 4th Floor
Philadelphia, PA 19102
(215) 981-3700

Dated: April 25, 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Re: PECO Energy Company's Petition for Expedited
Approval of Consensus Modifications
to PECO Energy Company's
Universal Service Program
and Associated Tariff Changes

: Docket Nos:
: R-00027870
: M - 00001418
:
:

DOCKETED

JUN 19 2003

**COMMENTS OF CONSUMERS EDUCATION AND PROTECTIVE
ASSOCIATION, ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR
REFORM NOW, TENANTS' ACTION GROUP AND ACTION ALLIANCE OF
SENIOR CITIZENS REGARDING THE MARCH 8, 2003 TENTATIVE ORDER**

The Consumers Education and Protection Association (CEPA), Association of
Community Organizations for Reform Now (ACORN), Tenants' Action Group (TAG),
and Action Alliance of Senior Citizens (collectively "CEPA et al."), through counsel
Community Legal Services, Inc., hereby submit the following Comments regarding the
Commission's March 8, 2003 Tentative Order ("Order"):

DOCUMENT

CEPA et al. participated as an active party in the PECO/Unicom Merger case, and
in the subsequent work of PECO Energy's Low Income Usage Reduction Program
(LIURP) Advisory Committee that developed through negotiation the consensus
modifications to PECO's low income program that are the subject of the Order.

On October 1, 2002 the Pennsylvania Public Utility Commission received PECO

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Energy Company's Petition for Expedited Approval of Consensus Modifications to PECO Energy Company's Universal Service Program and Associated Tariff Changes. Included in that petition was a statement of agreement and endorsement by all participating members of the LIURP Advisory Committee including CEPA et al.

The participating members of the LIURP Advisory Committee indicated at that time that the petition as submitted represented the successful product of good faith negotiations between PECO Energy Company and the participating members of the LIURP Advisory Committee and all parties looked forward to its successful implementation. PECO Energy Company filed revised pages to the petition on October 3, 2002 also with the approval and endorsement of the participating members of the LIURP Advisory Committee.

CEPA et al. support the Tentative Order Adopted by the Commission on March 6, 2003 and entered April 8, 2003. In particular, CEPA et al. support the four additional modifications to the proposed consensus modifications. These additional modifications are identified as:

- A. Identification and Determination of Reasons for High Usage;
- B. IT Resources-Subparagraph F;
- C. Program Evaluation-Subparagraph G;
- D. Budget Billing for CAP Customers.

CEPA et al. submit that these additional modifications are consistent with the consensus modifications and further the goals of those consensus modifications. These additional modifications are in the best interests of all parties and contribute to an

effective implementation and on-going administration and operation of the consensus modifications as originally submitted.

CEPA et al. regard utility low income programs as works in progress, which must continually strive to transform the ideals of universal service into a reality. The modifications provided in the Order promise significant improvement, and are a credit to the Commission, Commission staff, PECO Energy and the parties who have participated in their development.

Respectfully submitted,



EDWARD A. MCCOOL, ESQUIRE
PHILIP A. BERTOCCI, ESQUIRE

Attorneys for CEPA et al.

COMMUNITY LEGAL SERVICES, INC.
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102
(215) 981-3702

April 25, 2003



ORIGINAL

KJR

OFFICE OF CONSUMER ADVOCATE

555 Walnut Street 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048

IRWIN A. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
E-Mail: paoca@ptd.net

DOCUMENT
FOLDER

DOCKETED

JUN 19 2003

April 28, 2003

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED
03 APR 28 PM 3:24
P.A.P.U.C.
SECRETARY'S BUREAU

Re: PECO Universal Service
Docket Nos. R-00027870 and M-00001418

Dear Secretary McNulty:

The Office of Consumer Advocate (OCA) is in receipt of the Tentative Order of the Pennsylvania Public Utility Commission (Commission) in the above-captioned proceeding. The Commission was considering the modifications to PECO's universal service programs to provide for a special needs component for those customers whose income is at or below 50% of the federal poverty level. The modifications reflect the consensus of the PECO Universal Service Advisory Board. The OCA is a member of the Advisory Board and supports the consensus modifications.

In its Tentative Order, the Commission identifies four additional changes to PECO's program that have been recommended by the Commission's Bureau of Consumer Services (BCS) Staff. The recommendations concern the identification and determination of reasons for high usage by CAP B and CAP C customers, correction of IT deficiencies relating to demographics and poverty in the CAP database, evaluation of whether the CAP rates provide an affordable payment consistent with the CAP Policy Statement, and resolution of computer system programming issues so that a budget bill can be provided for CAP customers. PECO has agreed to implement these recommended changes.

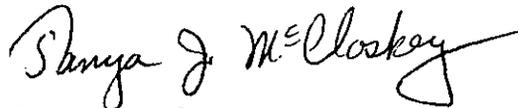
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James J. McNulty, Secretary
April 28, 2003
Page 2

The OCA supports the Tentative Order and PECO's agreement to implement the additional recommendations of BCS Staff. The BCS recommendations will further assist PECO's CAP customers and will allow for a more complete program evaluation in the future.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Tanya J. McCloskey". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Tanya J. McCloskey
Senior Assistant Consumer Advocate

cc: All parties of record
73959

CERTIFICATE OF SERVICE

RECEIVED
03 APR 28 PM 3:25
PA. P.U.C.
SECRETARY'S BUREAU

Re: PECO Universal Service
Docket No. R-00027870
Docket No. M-00001418

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

Dated this 28th day of April, 2003.

SERVICE VIA INTEROFFICE MAIL

Janice Hummell
Pennsylvania Public Utility Commission
Bureau of Consumer Services
P.O. Box 3265
Harrisburg, PA 17105-3265

Carl Hisiro, Esquire
Pennsylvania Public Utility Commission
Law Bureau
P.O. Box 3265
Harrisburg, PA 17105-3265

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

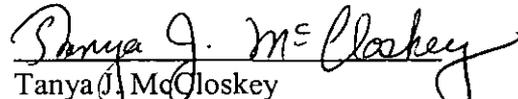
Kent D. Murphy, Assistant Gen. Counsel
Exelon Business Services Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699

Ed Lynch
Utility Emergency Services Fund
125 S. 9th Street, Suite 501
Philadelphia, PA 19107

Harry Geller
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101

Eric Epstein
4100 Hillsdale Road
Harrisburg, PA 17112

Ed McCool
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102


Tanya J. McCloskey
Senior Assistant Consumer Advocate

Counsel for
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717) 783-5048

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO Energy Company's : KJR
Submission of Universal Service :
and Energy Conservation Plan :
in Compliance with Section 54.74 : Docket No. M-00001418
R-00027870

ERIC JOSEPH EPSTEIN'S, *Pro se*
LETTER of SUPPORT
RE: PETITION FOR EXPEDITED APPROVAL of
CONSENSUS MODIFICATIONS to PECO ENERGY
COMPANY'S UNIVERSAL SERVICE PROGRAM
and ASSOCIATED TARIFF CHANGES

ERIC JOSEPH EPSTEIN, *Pro se*
4100 Hillsdale Road
Harrisburg, PA 17112

DOCUMENT
FOLDER

DOCKETED
JUN 14 2003

2003 MAY - 1 AM 9:38
SECRETARY'S BUREAU

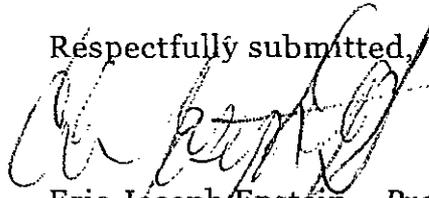
RECEIVED

DATED: April 30, 2003

35

All issues raised by Mr. Epstein have been fully addressed, and as such,
Eric Joseph Epstein unconditionally supports the PETITION FOR EXPEDITED
APPROVAL of CONSENSUS MODIFICATIONS to PECO ENERGY COMPANY'S
UNIVERSAL SERVICE PROGRAM and ASSOCIATED TARIFF CHANGES.

Respectfully submitted,



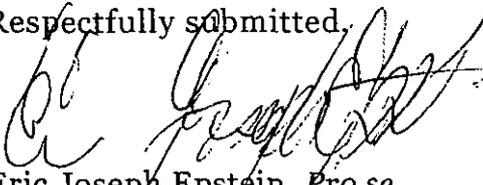
Eric Joseph Epstein, *Pro se*
4100 Hillside Drive,
Harrisburg, PA 17112
Voice Mail: 717-541-1101
Facsimile: 717-541-5487
epstein@igc.apc.org

DATED: APRIL 30, 2003
cc: Certificate of Service

Kenneth Mickens , Esquire
Senior Prosecutor, Office of Trial Staff
Pennsylvania PUC
Commonwealth Keystone Building
400 North Street, 3rd Floor West
Harrisburg, PA 17120

Community Legal Services
Ed McCool,
Phil Bertocci, Esquire
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102
Counsel for CEPA, ACORN, TAG &
Action Alliance

Respectfully submitted,



Eric Joseph Epstein, Pro se
4100 Hillsdale Road
Harrisburg, PA 17112

DATE: April 30, 2003

Legal Department

Exelon Business Services Company
2301 Market Street/ 523-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.5544
Fax 215.568.3389
www.exeloncorp.com

Business Services
Company

RECEIVED

AUG 18 2006

Direct Dial: 215.841.6863

August 18, 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORIGINAL

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

**Re: Petition of PECO Energy for An Extension of Time to File Revised APPRISE Evaluation
PUC Docket Nos. M-00041788 and R-00027870**

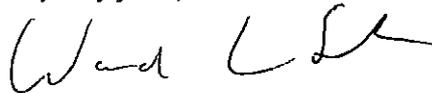
Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

- ___ Answer (original and 3 copies)
- X Petition (original and 3 copies)
- ___ Motion to Dismiss (original and 3 copies)
- ___ Reply to Motion/Petition (original and 3 copies)
- ___ Exceptions (original and 9 copies)
- ___ Reply Exceptions (original and 9 copies)
- ___ Brief (original and 9 copies)
- ___ Reply Brief (original and 9 copies)

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,



Ward L. Smith

**DOCUMENT
FOLDER**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy for an
Extension of Time to File Revised
APPRISE Evaluation** :
: **Docket No. M-00041788**
: **Docket No. R-00027870**

RECEIVED

AUG 18 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**PETITION OF
PECO ENERGY COMPANY
FOR AN EXTENSION OF TIME
TO FILE REVISED APPRISE EVALUATION**

PECO Energy Company ("PECO Energy"), hereby submits for filing a petition for an extension of time to file the revised APPRISE evaluation of PECO's universal services programs. In support, PECO Energy states as follows:

**DOCUMENT
FOLDER**

DOCKETED
AUG 24 2006

I. INFORMATION REGARDING THE PETITIONER

1. The petitioner is PECO Energy Company, a Pennsylvania public utility corporation with its principal place of business at 2301 Market Street, Philadelphia, Pennsylvania.

2. Correspondence with respect to this Petition should be addressed to:

Ward Smith
Assistant General Counsel
Exelon Corporation
2301 Market Street, S23-1
Philadelphia, PA 19101
215-851-6863
ward.smith@exeloncorp.com

Brian Crowe
Director, Rates and Regulatory
PECO Energy
2301 Market Street, S15-1
Philadelphia, PA 19101
215-841-5316
brian.crowe@exeloncorp.com

II. BACKGROUND AND REASON FOR REQUEST

3. On April 21, 2004, the Commission entered an Order in Docket No. M-00041788 which stated (p. 7), in relevant part, that:

Finally, as part of the consensus modifications approved at Docket No. R-00027870, PECO is required to submit an evaluation of its universal services programs to the Commission no later than May 1, 2006. As part of that evaluation, an independent evaluator will determine if PECO's program payments comply with the CAP Policy Statement. The findings from this independent evaluation, combined with consideration of both historical universal service program data and the results of the Commission's review of relevant informal complaints, will enable the Commission to determine if PECO's revised CAP payment plan complies with the intent of 66 Pa. C.S. § 2802(1) and § 2804(9).

4. PECO subsequently retained the Applied Public Policy Research Institute for Study and Evaluation ("APPRISE") to conduct the required independent third-party evaluation. In April 2006 APPRISE provided PECO with its Final Evaluation Report,

which PECO subsequently provided to the Commission's Bureau of Consumer Services.

5. While APPRISE was able to complete its analysis of a large part of the PECO universal services programs, it was unable to complete its analysis with respect to the "Special Needs" component of PECO's CAP Rate program, which is comprised of its CAP Rates A, B, and C. APPRISE was unable to complete the analysis of the Special Needs component because, in order to conduct such an evaluation, the program must be in existence for a sufficient length of time for meaningful data to be generated and, since the Special Needs component was not implemented until March 2004, sufficient data did not exist to conduct the evaluation. As the Apprise Report explained (Executive Summary, pp. iii-iv):

The PUC also directed PECO to separately address how their CAP served customers with income below 50 percent of the FPL. To better meet the needs of this population, PECO implemented three new CAP rates in February 2004. CAP Rate A provides a \$12 or \$30 (depending on whether the customer uses electric heat) monthly bill to special needs customers with income less than or equal to 25 percent of the FPL. CAP Rate B provides an 85 percent discount to customers with income less than or equal to 25 percent of the FPL. CAP Rate C provides a 75 percent discount to customers with income between 26 and 50 percent of the FPL.

By March 2005, one year after program implementation, PECO had enrolled 3,433 customers in CAP Rate B and 10,207 in CAP Rate C. A full year of program implementation is necessary to conduct a proper evaluation of these new rates, so that the analysis does not only examine the first enrollees, and so that there are enough participants to evaluate. A full year of post-enrollment billing and payment behavior due to the cyclical nature of earnings and energy assistance. Therefore billing and payment data through March 2006 are necessary to conduct the evaluation of those below 50 percent of poverty served by PECO's new CAP tiers.

APPRISE has submitted a data request and analysis schedule to PECO for the Below 50 Percent Evaluation. This schedule requires that PECO deliver additional billing and payment data to APPRISE by May 2006.

Given this schedule, a report with additional analysis of CAP customers with income below 50 percent of the FPL should be delivered in September 2006. PECO has stated that they are committed to this additional evaluation research.

6. On June 27, 2006, the Commission's Bureau of Consumer Services directed PECO to file a petition for an extension of time, stating that:

The evaluator was unable to complete an analysis of the effectiveness of the revisions due to data issues. The Evaluation states that PECO will deliver additional data to Apprise by May 2006 and the evaluator expects to deliver the final piece of the evaluation in September 2006. As we have previously discussed, to comply with the Commission's Order, PECO must submit a petition for an extension of time to submit the final piece of the evaluation.

7. PECO has provided the data in question to APPRISE, which has now advised PECO that the revised evaluation will have an October 2006 deliverable date.

III. Request For An Extension of Time

8. The Commission's April 21, 2004 Order directed PECO to file an evaluation of its Universal Services programs by May 2006. While PECO complied with this direction in a timely fashion, data was not available to allow a full evaluation of the portions of the program, including the Special Needs component of the CAP Rate program, that were implemented on or about March 2004. PECO therefore requests an extension of time until October 31, 2006 to file the revised APPRISE evaluation of its programs.

IV. The Requested Extension of Time is In The Public Interest

9. A full evaluation of PECO Energy's Universal Services programs is required by statute (66 Pa. C.S. § 2802(1) and § 2804(9)). Granting the extension will allow compliance with this statutory requirement.

10. The absence of data on the Special Needs component was simply due to the need for the program to be in existence for a given period of time before meaningful data exist for an evaluation, and not due to any nonfeasance by PECO or APPRISE.

11. PECO continues to enroll customers in the Special Needs component of its Universal Services program while the evaluation is being completed. As the APPRISE evaluation noted, after its first year of operation (March 2004-March 2005), the Special Needs component had approximately 13, 640 customers enrolled. As of August 2006, the Special Needs component has approximately 27,380 customers enrolled. Given that PECO continues to enroll customers in the program, customers are not prejudiced by granting an extension of time for the evaluation to be based on data that the evaluator has identified as necessary for such evaluation.

V. Notice

12. Consistent with the Commission's April 15, 2004 Order (Ordering paragraph 3), PECO is serving this Petition on the Office of Consumer Advocate. In addition, PECO is providing courtesy copies to its Universal Services Advisory Committee and the Commission's Bureau of Consumer Services. PECO does not anticipate that any additional notice of this Petition is required, but is prepared to conduct such additional notice as required by the Commission.

VI. Conclusion

For the foregoing reasons, PECO Energy respectfully requests that the Commission grant it an extension of time until October 31, 2006 to file the revised APPRISE report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ward L. Smith". The signature is written in a cursive style with a large, stylized "S" at the end.

Ward L. Smith
Assistant General Counsel
Exelon Corporation
2301 Market Street, S23-1
Philadelphia, PA 19101
215-851-6863
fax: 215-568-3389
ward.smith@exeloncorp.com

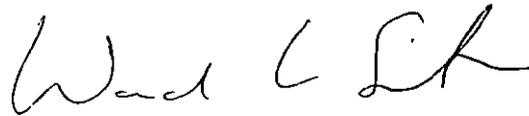
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy for an :
Extension of Time to File Revised: : **Docket No. M-00041788**
APPRISE Evaluation : **Docket No. R-00027870**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirement of §1.54, by first class mail, postage prepaid:

Tanya McCloskey
Office of Consumer Advocate
555 Walnut St., 5th Floor
Harrisburg, PA 17101-1921



Ward L. Smith
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

DATE: August 24, 2006

SUBJECT: M-00041788
R-00027870

TO: Bureau of Fixed Utility Services

FROM: James J. McNulty, Secretary *KB*

Peco Energy Company

Attached is a copy of a Petition for Extension of Time to File Revised APPRISE Evaluation, filed by Peco Energy Company, in connection with the above docketed proceeding.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: BCS

ksb

DOCUMENT
FOLDER

DOCKETED
AUG 24 2006

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy for an Extension of Time to File Revised APPRISE Evaluation :
: **Docket No. M-00041788**
: **Docket No. R-00027870**

RECEIVED

AUG 18 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**PETITION OF
PECO ENERGY COMPANY
FOR AN EXTENSION OF TIME
TO FILE REVISED APPRISE EVALUATION**

PECO Energy Company ("PECO Energy"), hereby submits for filing a petition for an extension of time to file the revised APPRISE evaluation of PECO's universal services programs. In support, PECO Energy states as follows:

SECRETARY'S BUREAU
AUG 18 2006

I. INFORMATION REGARDING THE PETITIONER

1. The petitioner is PECO Energy Company, a Pennsylvania public utility corporation with its principal place of business at 2301 Market Street, Philadelphia, Pennsylvania.

2. Correspondence with respect to this Petition should be addressed to:

Ward Smith
Assistant General Counsel
Exelon Corporation
2301 Market Street, S23-1
Philadelphia, PA 19101
215-851-6863
ward.smith@exeloncorp.com

Brian Crowe
Director, Rates and Regulatory
PECO Energy
2301 Market Street, S15-1
Philadelphia, PA 19101
215-841-5316
brian.crowe@exeloncorp.com

II. BACKGROUND AND REASON FOR REQUEST

3. On April 21, 2004, the Commission entered an Order in Docket No. M-00041788 which stated (p. 7), in relevant part, that:

Finally, as part of the consensus modifications approved at Docket No. R-00027870, PECO is required to submit an evaluation of its universal services programs to the Commission no later than May 1, 2006. As part of that evaluation, an independent evaluator will determine if PECO's program payments comply with the CAP Policy Statement. The findings from this independent evaluation, combined with consideration of both historical universal service program data and the results of the Commission's review of relevant informal complaints, will enable the Commission to determine if PECO's revised CAP payment plan complies with the intent of 66 Pa. C.S. § 2802(1) and § 2804(9).

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The PUC also directed PECO to separately address how their CAP served customers with income below 50 percent of the FPL. To better meet the needs of this population, PECO implemented three new CAP rates in February 2004. CAP Rate A provides a \$12 or \$30 (depending on whether the customer uses electric heat) monthly bill to special needs customers with income less than or equal to 25 percent of the FPL. CAP Rate B provides an 85 percent discount to customers with income less than or equal to 25 percent of the FPL. CAP Rate C provides a 75 percent discount to customers with income between 26 and 50 percent of the FPL.

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APPRISE has submitted a data request and analysis schedule to PECO for the Below 50 Percent Evaluation. This schedule requires that PECO deliver additional billing and payment data to APPRISE by May 2006.

Given this schedule, a report with additional analysis of CAP customers with income below 50 percent of the FPL should be delivered in September 2006. PECO has stated that they are committed to this additional evaluation research.

6. On June 27, 2006, the Commission's Bureau of Consumer Services directed PECO to file a petition for an extension of time, stating that:

The evaluator was unable to complete an analysis of the effectiveness of the revisions due to data issues. The Evaluation states that PECO will deliver additional data to Apprise by May 2006 and the evaluator expects to deliver the final piece of the evaluation in September 2006. As we have previously discussed, to comply with the Commission's Order, PECO must submit a petition for an extension of time to submit the final piece of the evaluation.

7. PECO has provided the data in question to APPRISE, which has now advised PECO that the revised evaluation will have an October 2006 deliverable date.

III. Request For An Extension of Time

8. The Commission's April 21, 2004 Order directed PECO to file an evaluation of its Universal Services programs by May 2006. While PECO complied with this direction in a timely fashion, data was not available to allow a full evaluation of the portions of the program, including the Special Needs component of the CAP Rate program, that were implemented on or about March 2004. PECO therefore requests an extension of time until October 31, 2006 to file the revised APPRISE evaluation of its programs.

IV. The Requested Extension of Time is In The Public Interest

9. A full evaluation of PECO Energy's Universal Services programs is required by statute (66 Pa. C.S. § 2802(1) and § 2804(9)). Granting the extension will allow compliance with this statutory requirement.

10. The absence of data on the Special Needs component was simply due to the need for the program to be in existence for a given period of time before meaningful data exist for an evaluation, and not due to any nonfeasance by PECO or APPRISE.

11. PECO continues to enroll customers in the Special Needs component of its Universal Services program while the evaluation is being completed. As the APPRISE evaluation noted, after its first year of operation (March 2004-March 2005), the Special Needs component had approximately 13,640 customers enrolled. As of August 2006, the Special Needs component has approximately 27,380 customers enrolled. Given that PECO continues to enroll customers in the program, customers are not prejudiced by granting an extension of time for the evaluation to be based on data that the evaluator has identified as necessary for such evaluation.

V. Notice

12. Consistent with the Commission's April 15, 2004 Order (Ordering paragraph 3), PECO is serving this Petition on the Office of Consumer Advocate. In addition, PECO is providing courtesy copies to its Universal Services Advisory Committee and the Commission's Bureau of Consumer Services. PECO does not anticipate that any additional notice of this Petition is required, but is prepared to conduct such additional notice as required by the Commission.

VI. Conclusion

For the foregoing reasons, PECO Energy respectfully requests that the Commission grant it an extension of time until October 31, 2006 to file the revised APPRISE report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ward L. Smith". The signature is fluid and cursive, with the first name "Ward" being more prominent than the last name "Smith".

Ward L. Smith
Assistant General Counsel
Exelon Corporation
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Philadelphia, PA 19101
215-851-6863
fax: 215-568-3389
ward.smith@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy for an :
Extension of Time to File Revised: : **Docket No. M-00041788**
APPRISE Evaluation : **Docket No. R-00027870**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirement of §1.54, by first class mail, postage prepaid:

Tanya McCloskey
Office of Consumer Advocate
555 Walnut St., 5th Floor
Harrisburg, PA 17101-1921



Ward L. Smith
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

COMMONWEALTH OF PENNSYLVANIA

DATE: September 8, 2006
SUBJECT: M-00041788
R-00027870
TO: Bureau of Consumer Services
FROM: James J. McNulty, Secretary *ksb*

Peco Energy Company

Per request of September 8, 2006, from Bureau of Fixed Utility Services, the above docketed proceeding is being reassigned to your Office for appropriate action.

ksb

DOCUMENT
FOLDER

DOCKETED
SEP 08 2006

COMMONWEALTH OF PENNSYLVANIA

DATE: September 15, 2006
SUBJECT: M-00041788
R-00027870
TO: LAW Bureau
FROM: James J. McNulty, Secretary *KB*

Peco Energy Company

Per request of September 14, 2006, from Bureau of Consumer Services, the above docketed proceeding is being reassigned to your Office for appropriate action.

ksb

cc: BCS-memo only

DOCUMENT
FOLDER

DOCKETED
SEP 15 2006