COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

December 15, 2016

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

Re: PECO Energy Company's Pilot Plan for an Advance Payments Program and Petition for Temporary Waiver of Portions of the Commission's Regulations with Respect to that Plan, Docket No. P-2016-2573023

Dear Secretary Chiavetta,

Please find attached for filing the Comments of the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia in the above-captioned proceeding. Copies of this filing have been served in accordance with the attached Certificate of Service.

Please contact me with any questions.

Sincerely,

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Cc: Certificate of Service

PECO ENERGY COMPANY'S PILOT PLAN FOR AN ADVANCE PAYMENTS PROGRAM SUBMITTED PURSUANT TO 52 PA. CODE § 56.17	:	**Docket No. P- 2016-2573023**
AND	:	
PECO ENERGY COMPANY'S PETITION FOR TEMPORARY WAIVER OF PORTIONS OF THE COMMISSION'S REGULATIONS WITH RESPECT TO THAT PLAN	:	

Certificate of Service

I hereby certify that I have this day served copies of the **Comments of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia,** via first class mail and E-mail, on:

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COMMENTS OF TENANT UNION REPRESENTATIVE NETWORK AND ACTION ALLIANCE OF SENIOR CITIZENS OF GREATER PHILADELPHIA

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I. INTRODUCTION

Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively "TURN *et al.*"), through counsel Community Legal Services, Inc., hereby submit these Comments to PECO Energy Company's ("PECO") Pilot Plan for an Advance Payments Program and Petition for Temporary Waiver of Portions of the Commission's Regulations with Respect to That Plan ("Pilot Plan and Petition") in response to the Commission's Secretarial Letter dated October 28, 2016, which permitted interested parties to submit comments by December 15, 2016 .

TURN *et al.* strongly oppose PECO's proposal to introduce an Advance Payments ("prepaid meter") program in Pennsylvania. All of PECO's customers deserve access to the life essential services that PECO provides, on equitable, reasonable and affordable terms. PECO must not be permitted to introduce a second tier of service, under which PECO customers are required to waive consumer protections in exchange for utility service. TURN *et al.* are particularly concerned that this proposal will be marketed to economically vulnerable households, including the tenants and seniors who are members of TURN and Action Alliance, who could be placed at risk of eviction, homelessness, and impaired health due to loss of utility service if permitted to enroll in PECO's prepaid meter pilot.

As a preliminary matter, TURN *et al.* question whether the Commission should evaluate PECO's pilot proposal prior to completing a forthcoming Chapter 56 rulemaking.[1] The Commission must initiate a rulemaking to revise Chapter 56 and conform its regulations to the

[1] Notice of Proposed Rulemaking Order, Docket No. L-2015-2508421 (July 21, 2016).

2014 amendments to Chapter 14 of the Public Utility Code.[2] In addition, the Commission proposes changes to Chapter 56 to make it align with other recent regulatory changes.[3] The Commission will permit interested parties to submit comments after the notice of proposed rulemaking is published in the *Pennsylvania Bulletin*. TURN *et al.* anticipate that interested parties will submit comments regarding the Commission's regulations concerning advance payments at 52 Pa. Code § 56.17 ("Advance Payments Regulations") and whether they must be revised or rescinded. TURN *et al.* do not believe it is prudent or appropriate for the Commission to approve PECO's pilot proposal before the Commission has completed its Chapter 56 rulemaking and determined whether it will modify its Advance Payments Regulations.

In these Comments, TURN *et al.* contend that PECO's pilot proposal violates provisions of the Pennsylvania Public Utility Code ("Code") and the Commission's regulations by eliminating essential consumer protections that are guaranteed by law, including, statutory requirements regarding termination notification, the statutory prohibition on winter terminations, the rights to forego payment of disputed charges and to preserve service during the pendency of the dispute process, and statutory rights to emergency protections contained in the medical certification provisions of the Code. TURN *et al.* further submit that PECO's pilot proposal is vague and leaves open many practical and legal questions that should be answered before PECO is permitted to expose households in its service territory to this controversial mechanism; questions such as, how PECO intends to safeguard the rights of tenants protected by 66 Pa.C.S. §§ 1521-1533 (Discontinuance of Service to Leased Premises, hereinafter, "Subchapter B").

[2] *Id.* at 4.
[3] *Id.* at 5.

Finally, TURN *et al.* posit that PECO has not provided the Commission or the public with sufficient information to determine if there are any benefits to introducing this particular prepayment meter pilot in PECO's service territory. The information that PECO has provided strongly suggests that the proposal will create more harm than good. PECO's proposal does not adequately safeguard vulnerable households in PECO's service territory because it does not identify the process by which low-income customers will be excluded from the pilot or whether other economically vulnerable households will be protected. For the reasons set forth in these Comments, TURN *et al.* urge the Commission to reject PECO's proposal in its entirety.

II. BACKGROUND

On October 26, 2016, PECO filed its Pilot Plan and Petition with the Commission. In the pilot proposal, PECO seeks to implement a pilot for a prepayment meter program to commence during, or prior to, the first quarter of 2018.[4] PECO intends to permit 1000 customers and applicants to voluntarily enroll in the prepayment program.[5] PECO contends that its pilot proposal tracks the Commission's Advance Payments Regulations, and that the Commission's review of the Pilot Plan should not include a separate determination of whether the plan is in the public interest.[6] PECO has also requested that the Commission waive provisions of the Commission's regulations in order to permit PECO to operate its pilot plan. PECO contends that its proposed waiver of provisions of the Commission's regulations is in the public interest.[7]

On November 15, 2016, TURN *et al.* submitted an Answer to PECO's Pilot Plan and Petition. In its Answer, TURN *et al.* opposed PECO's contentions that its pilot proposal is

[4] Pilot Plan and Petition, Attachment 1.
[5] Pilot Plan and Petition, Attachment 1 ¶ 2.
[6] Pilot Plan and Petition ¶ 13.
[7] Pilot Plan and Petition ¶ ¶ 31-35.

presumptively in the public interest and that the Commission's review should be limited to whether PECO's proposal comports with existing Advance Payments Regulations. Also in its Answer, TURN *et al*. requested that the Commission submit PECO's Pilot Plan and Petition to the Office of Administrative Law Judge for hearings and a determination of whether PECO's proposal is consistent with Pennsylvania law, adequately protects PECO's customers, and is in the public interest. TURN *et al.* submitted a Petition to Intervene in this proceeding on November 16, 2016.

III. PECO SHOULD NOT BE PERMITTED TO SUBMIT AN ADVANCE PAYMENTS PLAN PROPOSAL UNTIL AFTER THE COMMISSION HAS COMPLETED ITS CHAPTER 56 RULEMAKING AND DETERMINED WHETHER ITS ADVANCE PAYMENTS REGULATIONS SHOULD BE REVISED OR RESCINDED

By Order dated July 21, 2016, the Commission provided notice of its proposed Chapter 56 rulemaking. TURN *et al.* anticipate that a review of the Commission's Advance Payments Regulations will be an issue in the forthcoming rulemaking proceeding. In its 2011 Chapter 56 rulemaking order the Commission specifically noted that "to date, no utility has utilized [the advance payments regulations] to offer prepayment metering, so unfortunately we have no practical experience to rely upon when assessing the need to revise [52 Pa. Code § 56.17(3)(i)]."[8] The Commission declined to accept a utility's proposal to revise 52 Pa. Code § 56.17(3)(i) to permit low-income customers to use prepayment meter service. In rejecting the utility's revision, the Commission cited to the "public health and safety concerns involved."[9] The Commission also raised the issue of whether Chapter 14 indicated the General Assembly's intent to protect a broader category of low-income customers from prepayment meter service. The Commission noted that:

[8] Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Provisions of 66 Pa. C.S., Chapter 14; Gen. Review of Regulations, PUC Docket No. L-00060182, 2011 WL 3001641 (June 9, 2011).
[9] *Id.*

> In Chapter 14, the General Assembly indicates that the protected customers should be those at or below 250% of the federal poverty level. For example, the winter restrictions at Section 1406(e) apply to those at or below 250% of poverty, and the PUC payment agreement formulas at Section 1405(b) are more lenient for those at or below 250% of poverty. Based on these actions of the General Assembly, if anything, the income threshold for this section should be raised to 250% from 150%. [10]

While the Commission ultimately concluded that it would not revise the Advance Payments regulations to exclude customers between 150% to 250% of the poverty level, it is significant that the Commission raised issues of public health and safety, and the scope of the regulatory changes mandated by Chapter 14, in a prior Chapter 56 rulemaking proceeding. In light of PECO's pilot proposal, these issues are very likely to resurface in the Commission's upcoming rulemaking proceeding. TURN *et al.* urge the Commission to complete its rulemaking before allowing PECO to submit any prepayment meter proposal.

IV. PECO'S PROPOSAL SHOULD BE REJECTED BECAUSE IT VIOLATES CONSUMER PROTECTIONS CONTAINED IN 66 PA.C.S. § 1401 ET SEQ. AND THE COMMISSION'S REGULATIONS

With its petition, PECO is the first major jurisdictional utility in Pennsylvania to seek to implement advance payments under 52 Pa. Code § 56.17, the prepayment regulations adopted in 1978.[11] In the almost forty years since the prepayment regulations were adopted, the landscape of electricity use and regulation of the industry have changed significantly. Contemporaneous with the establishment of those regulations, the Supreme Court of the United States recognized that electric service is critical to the health and safety of families.[12] Pennsylvania reaffirmed the importance of maintaining electric service in restructuring the electric industry nearly two

[10] *Id.*
[11] *See* Pilot Plan and Petition ¶ 3.
[12] *See Memphis Light, Gas & Water Division v. Craft*, 436 U.S. 1, 18 (1978) ("Utility service is a necessity of modern life; indeed, the discontinuance of water or heating for even short periods of time may threaten health and safety.").

decades later.[13] Pennsylvania lawmakers and the Commission have also since adopted important consumer protections contained in Chapter 14 and the universal service requirements of the Electric and Natural Gas Choice Acts.[14] PECO's petition does not address these changes in the law and the significant conflicts they present with the Advance Payments Regulations. In fact, PECO's plan bypasses these protections completely; it makes no mention of consumer protections or safeguards against risks to health and safety. The Commission must address whether PECO's pilot proposal complies not only with the Advance Payment Regulations, but also with the statutory and regulatory changes enacted since 1978.

PECO's pilot proposal will create an overly restrictive system that eliminates important consumer protections. These protections ensure that many PECO customers, including those considered non low-income, maintain service in times of hardship. Simply excluding low-income participants from its pilot does not absolve PECO from complying with protections that apply to other vulnerable households, including households experiencing a medical emergency, victims of domestic violence, and customers with income up to 250% of the federal poverty level.

PECO should not be permitted to implement a prepaid meter program unless such program safeguards existing consumer protections. Without a guarantee that all consumer protections contained in the Code and Commission regulations will remain available to participants, PECO's prepaid meter program should not proceed. If the Commission approves a version of PECO's proposal, it should ensure that customers maintain access to all existing consumer protections on equal terms with customers who receive standard service from PECO.

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[13] 66 Pa. C.S. § 2802(9) ("Electric Service is essential to the health and well-being of residents, to the public safety and to orderly economic development, and electric service should be available to all customers on reasonable terms and conditions.").

[14] *See* 66 Pa. C.S. § 1401 et. seq.; 66 Pa. C.S. §§ 2801-2815; 66 Pa. C.S. §§ 2201-2212.

PECO's proposal should not expose economically vulnerable households to increased health and safety risks and increased risks of termination. TURN *et al.* have identified the following consumer protections that are threatened by PECO's proposal:

A. *PECO's pilot proposal eliminates important rights to pre-termination notification.*

PECO's proposal eliminates customers' rights to essential pre-termination notifications. The Public Utility Code states that prior to terminating service a public utility:

> (i) Shall provide written notice of the termination to the customer at least ten days prior to the date of the proposed termination. The termination notice shall remain effective for 60 days.
>
> (ii) Shall attempt to contact the customer or occupant to provide notice of the proposed termination at least three days prior to the scheduled termination, using one or more of the following methods:
>
> (A) in person;
>
> (B) by telephone. Phone contact shall be deemed complete upon attempted calls on two separate days to the residence between the hours of 8 a.m. and 9 p.m. if the calls were made at various times each day; or
>
> (C) by e-mail, text message or other electronic messaging format consistent with the commission's privacy guidelines and approved by commission order.
>
> (D) In the case of electronic notification only, the customer must affirmatively consent to be contacted using a specific electronic messaging format for purpose of termination.
>
> (iii) During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, the public utility shall, within 48 hours of the scheduled date of termination, post a notice of the proposed termination at the service location.
>
> (iv) After complying with paragraphs (ii) and (iii), the public utility shall attempt to make personal contact with the customer or responsible adult at the time service is terminated. Termination of service shall not be delayed for failure to make personal contact.[15]

[15] 66 Pa. C.S. § 1406(b).

PECO's proposal does not indicate whether customers enrolled in its prepaid meter pilot will continue to receive the pre-termination notice mandated by the Code. PECO's pilot proposal states that "participants will receive electronic notice(s) when the account balance is sufficient to cover an estimated five, three, and one days' worth of usage."[16] Customers will also be given daily notification during a five-day grace period that is provided to the customer if the account balance reaches zero or a negative balance.[17] PECO asserts that additional notices will also be available on customer request; however, PECO does not clarify whether participants will receive the notice described in Section 1406(b).

PECO's proposal falls short of the statutory requirements governing notice of termination of service. PECO proposes to replace written notice of impending termination with electronic notice of estimated usage projections. These two types of notice are not equivalent. A written termination notice provides an actual date on or after which a customer's service will be terminated. An electronic notice, containing an estimate of how much utility service a customer is likely to use in the future, does not reasonably or accurately put a customer on notice as to when service will be terminated. If a customer's usage exceeds the estimated amount, then they will have fewer days until service is terminated. If a customer's usage is lower than estimated, they will have more days until service is terminated. In both situations, PECO's proposed notices will not inform customers of the certainty of termination.

The Code further provides that during the winter months, a utility must post a notice of the termination at the service location within 48 hours of the scheduled date of termination if personal contact has not been made.[18] A utility must also attempt to make personal contact with

[16] Pilot Plan and Petition¶ 6.
[17] *Id.*
[18] 66 Pa. C.S. § 1406(b)(iii).

the customer at the time service is terminated.[19] PECO's pilot proposal does not comply with either requirement. PECO proposes only to provide electronic notifications as a customer's account balance and days of emergency credits are depleted.

PECO appears to rely on the Advance Payments Regulations, which state that a prepayment meter customer "agrees that a failure to renew the credits by making payment for additional service constitutes a request for discontinuance" to support a conclusion that, for participants in the pilot, a termination will be treated as a request for discontinuation of service.[20] As noted above, the substantive import of this regulation has not been examined in light of the General Assembly's intent in providing specific termination notice protections in Chapter 14. PECO should not be permitted to sidestep its statutory obligation to provide the notices required by 66 Pa. C.S. § 1406(b) on the basis of a regulation which may not comport with the requirements of the Public Utility Code.

Any approved version of the pilot proposal must comply with important notice requirements. If the Commission does approve a version of PECO's pilot proposal or any other prepayment proposal submitted under the Advance Payments regulations, the Commission should require that participants continue to receive termination notices consistent with 66 Pa. C.S. § 1406(b) in addition to the electronic notifications that will be provided to all participants.

B. *PECO's pilot proposal eliminates protection from winter termination for eligible customers.*

PECO's pilot proposal eliminates protection from termination during the cold weather months for some participants. PECO customers with income up to 250% of the federal poverty

[19] 66 Pa. C.S. § 1406(b)(iv).
[20] 52 Pa. Code § 56.17(3)(iii)(D); Pilot Plan and Petition ¶ 24.

level are eligible for protection from termination for non-payment during the winter months.[21] Under PECO's proposal, participants in PECO's pilot must agree, as a condition of their participation, to voluntary disconnection when the balance reaches zero and emergency backup funds are depleted.[22] Similarly, PECO proposes that a prepaid customer's failure to make payments is considered a request for disconnection.[23] The effect of these provisions is to require customers to agree to disconnection in advance, waiving critical winter termination protections, for which no waiver is or should be available.

Winter termination protections were adopted to prevent harm to health and safety caused by lack of utilities during cold winter months. Pennsylvania implemented this fundamental protection for customers with income up to 250% of the federal poverty level. Although low-income customers will technically be excluded from this pilot, customers with income between 150% and 250% of the federal poverty level who are unable to make sufficient payments under PECO's pilot program will lose this critical protection and face shut off during the winter when service is needed most for health and safety reasons. PECO's pilot program should not be approved without ensuring that the winter moratorium on terminations will continue for all eligible customers.

If the Commission approves a version of PECO's prepayment plan or any other prepayment plan submitted under the Advance Payments regulations, participants with income below 250% of the federal poverty level must continue to be protected from termination for nonpayment during the cold weather months, from December 1 through March 31.

[21] 66 Pa. C.S. § 1406(e).
[22] Pilot Plan and Petition, Attachment 1 ¶ 14.
[23] *See* Pilot Plan and Petition ¶ 24.

C. *PECO's pilot proposal eliminates participants' rights to forego payment for disputed charges and preserve service during the pendency of the dispute process.*

PECO's pilot proposal threatens to fundamentally transform the Commission's complaint process in ways that were not contemplated or approved by the General Assembly or the Commission. PECO's pilot proposal is silent as to what happens when a pilot participant initiates a dispute with the Commission. Under Chapter 14, pending the outcome of a formal or informal complaint, the customer maintains an obligation to pay only the portion of the bill that is not in dispute and subsequent bills which are not in dispute.[24] Chapter 56 of the Commission's regulations provides a stay on termination when a termination dispute or complaint has been properly filed with the Commission, which remains in place until the resolution of the dispute or complaint.[25] TURN et al. believe that PECO's pilot proposal impermissibly requires a participant to waive these legal protections in order to participate in the program.

PECO has structured its proposal according to the Commission's Advance Payments Regulations, which require prepayment meter participants to agree that a failure to renew credits constitutes a request for discontinuance and not a termination.[26] Under this framework, a pilot participant would be required to pay disputed charges even during the pendency of a dispute or complaint because the participant will have previously consented to discontinuance when credits are exhausted. Similarly, a participant would not be granted a stay to preserve service pending the resolution of a dispute or complaint because, upon enrollment in PECO's pilot, the participant will have consented to discontinuance of service upon depletion of prepayment credits.

[24] 66 Pa. C.S. §§ 1410(2).
[25] 52 Pa. Code § 56.141.
[26] 52 Pa. Code § 56.17(iii)(D).

TURN *et al.* submit that PECO's pilot proposal raises issues that were not contemplated by the Commission when the Advance Payments Regulations were promulgated in 1978 and which have been superseded by later changes to the Public Utility Code and Commission regulations governing the dispute and complaint process. For these reasons, PECO's pilot proposal should be rejected. If PECO is permitted to proceed with any type of prepayment program, PECO should guarantee that participants will retain access to the Commission's dispute process on the same terms that are available to consumers receiving standard service from PECO.

D. *PECO's pilot proposal creates rigid payment arrangements that do not comply with statutory requirements and eliminates payment arrangement options that are available to customers under the Code.*

In its pilot proposal, PECO has not adequately addressed statutory requirements for payment arrangement terms and instead has set forth a restrictive, pre-determined, and universal payment arrangement for all participants with no regard to a customer's income level. Chapter 14 provides for specific payment arrangement terms based on income level and the amount of delinquency for customers up to 300% of the federal poverty level.[27] Under the pilot proposal, PECO will allocate any payment made by participants with arrearages at a set ratio to arrearages and usage: 25% to arrearages and 75% to usage.[28] It is likely that if an arrearage balance is low, this rigid 25/75 payment arrangement will be less generous than a customer could receive under standard billing. PECO is obligated under 66 Pa. C.S. § 1303 to provide the best rate available to

[27] 66 Pa. C.S. §§ 1405(b) &1407 (providing payment agreements up to three years for customers with income between 150% and 250% of the federal poverty level and up to one year for customers with income from 250% to 300% of the federal poverty level).
[28] Pilot Plan and Petition, Attachment ¶ 9.

them.[29] Under this plan, PECO would not make an individualized determination of the best rate for the customer, which will likely result in some participants receiving less beneficial payment terms. Additionally, without more information, there is no way to know whether customers themselves will have this information and the ability to make a proper assessment of whether they would receive a more affordable arrangement under standard billing service or under PECO's pilot. Chapter 14 provides for up to a three year arrangement for customers between 150% and 250% of the federal poverty level and up to a one year arrangement for customers between 150% and 300% of the federal poverty level.[30] PECO must provide additional information about how it will comply with these rules.

The right to a payment arrangement to restore service is a critical consumer protection available to customers with income up to 300% of the federal poverty level that will no longer be available for participants in PECO's pilot.[31] PECO's pilot proposal lacks adequate information to ensure that such a payment arrangement would be available to eligible participants. PECO has stated it will restore service to pilot participants upon full payment of usage charges accrued during the emergency backup period and a minimum $15 payment toward future service.[32] Depending on the amount of electricity used during the five day backup period, it is possible that the customer must pay a substantial amount to restore service and, if the customer cannot pay that amount, would benefit from the option to obtain a payment arrangement to restore service. Even if the customer can pay the charges for backup usage and the minimum balance amount of $15, that payment would only provide a minimal amount of electricity, especially if 25% of that

[29] 66 Pa. C.S. § 1303 ("Any public utility, having more than one rate applicable to service rendered to a patron, shall, after notice of service conditions, compute bills under the rate most advantageous to the patron.").
[30] 66 Pa. C.S. § 1405(b).
[31] *See* 66 Pa. C.S. § 1407(2)(ii).
[32] Pilot Plan and Petition, Attachment ¶ 15.

$15 payment goes toward arrearages.[33] The lack of access to traditional payment arrangements would lead to a cycle in which the customer repeatedly loses service.

Further, PECO has not provided enough information to confirm that the right to a payment arrangement to maintain and restore service will be available when a customer chooses to revert to standard billing service after a termination. The Pilot Plan states that a request to revert to standard billing will be processed by the next business day and that all existing credit arrangement options will be available to participants.[34] The Pilot Plan does not specify whether these reversion terms will be available to customers who have been terminated from the program for failure to pay. PECO's proposal threatens to eliminate payment arrangement options that are available to customers under the Code.

Before any version of PECO's pilot proposal is approved, PECO must provide more information about how it will comply with payment arrangement requirements. TURN *et al.* submit that the Commission should require PECO's pilot, and any other proposal submitted under the Advance Payments Regulations, to provide all participants access to the most affordable payment arrangement options available.

E. *PECO's pilot proposal does not comply with the Code or Commission regulations relating to medical certifications.*

Under PECO's pilot proposal, pilot participants who need to utilize a medical certificate to prevent a termination or restore service must first resign from PECO's pilot and return to standard service before they will be permitted to use the medical certification process.[35] PECO has stated that requests to revert to standard billing will be processed "by the next business

[33] *See* Pilot Plan and Petition, Attachment ¶ 9.
[34] Pilot Plan and Petition, Attachment ¶ 16.
[35] Pilot Plan and Petition ¶ 25.

day."[36] PECO's proposal does not comply with the medical certification process set forth at 66 Pa.C.S. § 1406(f). Pursuant to Section 1406(f), "a public utility **shall not terminate service** to a premises when a customer has submitted a medical certificate to the public utility."[37] Under PECO's pilot proposal, a customer could face the involuntary loss of service after having submitted a valid medical certification, in violation of Section 1406(f), if the customer cannot revert to standard service in time to avoid the automatic termination that will occur under the pilot program. PECO's pilot imposes a requirement on participants who seek to exercise their right to a medical certification that is not imposed on customers who receive standard service. A standard service customer may simply submit a valid medical certification to preserve service; a pilot participant must take the additional step of reverting back to standard service before PECO will honor the participant's medical certificate. This inequity is compounded by the risk of serious health consequences that could result for PECO's pilot participants who may not be able to access a medical certificate until the next business day.

Likewise, PECO's pilot propposal does not comport with the Commission's regulations on the medical certification procedure. The regulations prohibit a utility from terminating service for three days if a public utility employee is informed that an occupant is seriously ill or affected with a medical condition which will be aggravated by cessation of service.[38] PECO's pilot proposal does not permit a customer to access this protection unless the customer reverts to standard service.

PECO's pilot proposal also runs afoul of the Commission's Advance Payments Regulations. The Advance Payments Regulations requires that a medical emergency be treated as an exception to the voluntary discontinuance provisions of a prepayment program:

[36] Pilot Plan and Petition, Attachment 1¶ 16.
[37] Emphasis added.
[38] 52 Pa. Code § 56.112.

> failure to renew the credits by making prepayment for additional service constitutes a request for discontinuance under § 56.72(1) (relating to discontinuance of service), **except during a medical emergency**, and that discontinuance will occur when the additional usage on the emergency backup credits runs out.[39]

PECO, however, does not intend to implement a blanket exception for pilot plan participants who provide the utility with evidence of a medical emergency. Instead PECO imposes an unnecessary layer of administrative bureaucracy on these customers by requiring them to resign from the pilot program and revert to standard billing before they can access the medical certification process.

Even if the proposed reversion to standard service was sufficient to comply with the regulations, which it is not, PECO must provide more information to show that there will be a smooth transition back to standard service for someone with a medical emergency, and no gap in service. PECO has not indicated whether a person who requests a medical certification under this program will automatically revert back to standard service. Additionally, PECO has not stated whether customers who experience a medical emergency and who revert back to standard service will be provided with a termination notice informing them of their right to a medical certificate. Moreover, PECO has not stated whether information on this revised medical certification procedure will be available to customers prior to enrolling in the pilot program. PECO's pilot proposal should be rejected because it fails to comply with the Public Utility Code and Commission regulations governing the medical certification procedure.

If the Commission does approve a version of PECO's pilot proposal, there must be additional information about how PECO will comply with medical certification rules. TURN *et al.* urge the Commission to require that pilot participants have immediate access to medical

[39] 52 Pa. Code § 56.17(3)(iii)(D) (emphasis added).

certifications when necessary to prevent termination or restore service without needing to revert to standard billing before they can access the medical certification process.

V. PECO'S PROPOSAL SHOULD BE REJECTED BECAUSE IT IS VAGUE AND FAILS TO ANSWER IMPORTANT PRACTICAL AND LEGAL QUESTIONS ABOUT THE PILOT

PECO's pilot proposal lacks important information that must be provided so that the Commission can determine whether the plan is in the public interest and whether it complies with the law. PECO must elaborate on numerous aspects of the pilot program that it has either not addressed or not discussed in sufficient detail. Namely, PECO must provide more information about how it will screen for income status to ensure low-income customers and applicants are excluded from the pilot; how its technology will aid customers in accessing information about usage, payment, and potential termination; what consumer information will be provided to potential participants; how pilot participants will access LIHEAP and MEAF grants; how it will safeguard tenants' rights; whether and how protections for victims of domestic violence will operate; and additional key operational questions such as the reversion process to standard billing, payment options for customers, and the evaluation process.

A. *PECO's pilot proposal does not include information about its process for screening potential participants for determination of low-income status.*

TURN *et al.* submit that PECO's plan does not provide sufficient information to ensure that it will exclude low-income participants as required under 52 Pa. Code § 56.17(3)(iii)(D).[40] In its pilot proposal, PECO claims that it will choose 1000 participants who represent a cross section of PECO customers and that those customers will participate on a voluntary basis.[41] PECO further claims that it will exclude low-income customers and applicants from

[40] As discussed more thoroughly above, this provision of the Advance Payment Regulations requires further consideration in light of Chapter 14 and Act 155 of 2014.
[41] Pilot Plan and Petition, Attachment 1 ¶ 2.

participation.[42] The pilot proposal does not state, however, a process or plan to prevent low-income customers from enrolling in the program. Without elaboration on how it will identify income level of customers and applicants who volunteer to participate, there will be no meaningful exclusion of low-income customers.

There are many unanswered questions that must be addressed to confirm that this plan will effectively exclude vulnerable, low-income households who might be drawn to PECO's prepayment plan. PECO should be required to answer the following questions regarding its plan to exclude low income customers from inclusion in the pilot:

1. Will PECO screen all volunteers for income level prior to enrollment in the program?
2. Who will PECO target with its outreach?
3. How will PECO ensure that volunteers are not low-income?
4. Will participants be told that if their income decreases during the pilot, they may have to revert to standard billing?
5. How will PECO account for the often-fluctuating income level of customers who may move in and out of eligibility over the course of participation in the pilot?

PECO must specify a process to identify the income level of all pilot volunteers. PECO should provide assurances that it will not conduct outreach to low-income and potentially low-income customers.

The pilot proposal contains very little information about how PECO will reach eligible participants. PECO merely states that it will conduct an "outreach campaign to customers/applicants who meet the described eligibility requirements."[43] PECO has no knowledge of many of its customers' income status. PECO has knowledge of low-income status

[42] Pilot Plan and Petition, Attachment 1 ¶ 3.
[43] Pilot Plan and Petition, Attachment 1 ¶ 4.

through enrollment in the Customer Assistance Program (CAP) or when PECO has confirmed low-income status through some other mechanism. Any potential applicant could be low-income and many current customers who have income under 150% of the federal poverty level are likely not known to be low-income to PECO.[44] PECO has not stated its intention to verify customer accounts to determine if they are low-income status before enrolling volunteers in the program, which creates a great risk that low-income customers will, in fact, participate in this program. If PECO is permitted to implement a version of its pilot proposal, it must be required to define a specific process to verify income level for all volunteer participants.

B. *PECO's pilot proposal does not describe the customer education that will be provided to pilot participants.*

PECO must provide robust education to customers so that customers have the information they need to make an informed decision about whether participation is right for them. Under PECO's proposal, it is unclear what information and education customers will receive before they choose to enroll in the pilot program. PECO will provide a "Welcome Packet" after a customer has enrolled in the program, but PECO has not listed the information that will be included in that packet.[45] Because of the great risk for potential harm to low-income customers and customers with income under 250% of the federal poverty level, if any version of the pilot is approved, the Commission should require PECO to create substantial customer education materials that clearly lay out the elements of the program, including any potential loss of consumer protections.

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[44] Pennsylvania Public Utilities, Commission Bureau of Consumer Services, Report of 2015 Universal Service Programs & Collections Performance of the Pennsylvania Electric Distribution Companies & Natural Gas Distribution Companies 8-9 (2015), *available at* http://www.puc.pa.gov/General/publications_reports/pdf/EDC_NGDC_UniServ_Rpt2015.pdf (showing that only 26% of payment troubled customers are confirmed low-income and only 14.8% of customers with payment agreements (excluding CAP agreements) are confirmed low-income).

[45] Pilot Plan and Petition, Attachment 1 ¶ 5.

C. *PECO's pilot proposal does not provide sufficient information regarding its online portal and usage monitoring technology for participants in the program.*

PECO states that customers will have access to online resources to monitor usage, but does not adequately explain how the information will be provided.[46] Under the pilot proposal, customers will check a website or mobile application regularly to track usage and determine when to make payments on their account.[47] PECO also states that it will provide notifications via these online platforms at five, three, and one day prior to a zero balance and every day during emergency usage.[48] TURN *et al.* agree that the website and mobile application should have usage information available to customers at all times. However, PECO provided insufficient information in the pilot proposal to ensure that this information will be understandable and accessible to customers. There are unanswered questions about what mechanisms PECO will use to ensure this program is fully available to customers. For example, will participants have an option to receive paper statements? Will there be a kiosk or other mechanism to check this information at local PECO offices? PECO should provide further information about how customers who do not have internet access or who lose internet access during the course of participation will access this information.

Further, PECO should make clear that usage information will be provided in a way that customers can easily understand.[49] While PECO states that it will provide estimated days of usage remaining, TURN *et al.* submit that this information must be provided in a way so that customers can readily understand their specific usage patterns, how much service a particular payment will get them, how much service they have used, and how much they have left so they can properly assess when to make payments.

[46] Pilot Plan and Petition, Attachment 1 ¶ 12.
[47] Pilot Plan and Petition, Attachment 1 ¶ 12.
[48] Pilot Plan and Petition, Attachment 1 ¶ 11.
[49] Participants will likely not know what it means to use one kilowatt hour of electricity.

D. *PECO's pilot proposal does not contain any information about how eligible customers would access and use MEAF and LIHEAP funds.*

The Matching Energy Assistance Fund (MEAF) and the Low-Income Energy Assistance Program (LIHEAP) are important lifelines available to low-income and near low-income customers that must be available to all eligible customers, including participants of a prepayment program. Some pilot participants will likely be eligible for both MEAF and LIHEAP. MEAF grants are available to customers with income below 175% of the federal poverty level. Although LIHEAP is typically only available to customers with income under 150% of the federal poverty level, and technically those individuals are excluded from the pilot proposal, there are several circumstances under which participants will be eligible for LIHEAP. In the past, LIHEAP has been open to customers up to 160% of the federal poverty level and it is possible that eligibility levels will be raised again as those decisions are made on an annual basis. Additionally, customers who experience a loss of income after enrolling in the pilot may become eligible for LIHEAP benefits.

The Pilot Plan and Petition is silent on how these assistance grants will be applied to customer accounts. There are numerous unanswered questions that need to be resolved relating to grant assistance before PECO's plan can proceed. PECO should be required to answer the following questions regarding the ability of pilot program participants to access available grant assistance:

1. Will participants be eligible for LIHEAP and MEAF grant assistance?
2. Will grants be applied to the balance on the account or used exclusively to fund future usage?
3. Will grants also be subject to the 25/75 rule for arrearage payment?
4. Will participants be able to apply for LIHEAP crisis grants?

5. Will Crisis grants be available to customers who have lost service or will lose service under this pilot when loss of service is characterized as a voluntary disconnection?
6. How will participants access Crisis grants prior to termination if PECO's pilot program does not deliver termination notices?

PECO's proposal should not be permitted to proceed if it restricts participants' access to or eligibility for available payment assistance. If the Commission does approve a version of PECO's pilot proposal, TURN *et al.* submit that any approved proposal must include answers to the questions above and that all MEAF and LIHEAP grant options should be available to eligible participants of the pilot.

E. *PECO's pilot proposal does not explain how it intends to safeguard the rights of tenants, including tenants' rights to continued service under "Subchapter B" of the Public Utility Code.*

PECO's pilot proposal poses a risk to tenants who may be harmed by a landlord's decision to enroll in PECO's pilot. PECO has not indicated whether it will exclude landlords from participation in the pilot. Although the Commissions' Advance Payments regulations permit prepaid meter service programs only where "the service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter" there is no language that specifically prohibits landlord ratepayers from participating in a prepaid meter program. Under PECO's proposal, tenants will not receive any of the usage notifications that are provided to the landlord ratepayer. If PECO is permitted to dispense with its obligation to provide notification of termination under 66 Pa. C.S. § 1406(b), any occupants at the property, other than the owner, will not receive any written notice at the property prior to termination of service. While tenants are entitled by law to continued service under Subchapter B of the Public Utility Code, TURN *et*

al. are concerned that PECO is not currently aware of which residential dwellings in its service territory are tenant occupied and therefore is unable to guarantee that affected tenants will receive notice of their rights.

Subchapter B of the Public Utility Code is intended to protect tenants from termination due to nonpayment by a landlord ratepayer.[50] Pursuant to Subchapter B, prior to termination for nonpayment, a public utility is required to notify each dwelling unit reasonably likely to be occupied by an affected tenant of the proposed termination in writing.[51] The public utility must also permit the tenant to maintain service or to promptly resume service if it receives from the tenant(s) an amount equal to the bill for the affected account of the landlord ratepayer for the billing month preceding the notice to the tenants.[52] The public utility then has an obligation to notify the tenant of each subsequent 30 day bill.[53] PECO's pilot proposal does not provide any information about how PECO will comply with its duties under Subchapter B to protect tenants from landlord nonpayment. To the extent that landlords may participate, PECO has not stated how it will ensure that tenants receive the written pre-termination notice required by Subchapter B, in the event that the landlord ratepayer exhausts his or her credits under the pilot and service is discontinued. PECO also has not identified how it will calculate the preceding 30 day bill for tenants whose landlords are enrolled in PECO's pilot program. PECO's proposal should be rejected because it does not provide information on how the utility will safeguard the rights of tenants in its service territory, who may be subjected to a form of constructive eviction if enrolled landlords fail to pay for service.

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[50] 66 Pa. C.S. § 1523.
[51] *Id.*
[52] *Id.* at § 1527(b).
[53] *Id.*

F. *PECO's pilot proposal does not indicate whether PECO will provide additional payment arrangement options and other necessary protections for victims under a Protection from Abuse order or similar order.*

PECO's Pilot Plan and Petition is silent on whether victims under a protection from abuse order or similar court order will continue to have access to payment arrangements and other protections upon presentation of the order to PECO. 66 Pa. C.S. § 1417 provides that Chapter 14 "shall not apply to victims under a protection from abuse order as provided by 23 Pa. C.S. Ch. 61 (relating to protection from abuse) or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer." Consistent with this provision, survivors of domestic violence are able to obtain additional payment arrangements to restore and preserve service, upon presentation of an eligible court order to the utility.

Under PECO's proposal, a participant will only be permitted to restore service following discontinuance if the participant pays the full charges for any depleted emergency credits and an additional $15 toward future service. PECO has not stated whether these strict restoration terms will also apply to victims under a protection from abuse order or whether the participant must revert back to standard service in order to access additional payment arrangement options. PECO's proposal should be rejected because it fails to adequately identify and preserve the rights of vulnerable PECO customers who are victims under a protection from abuse order or similar court order. If the Commission approves any version of this proposal, it must require PECO to preserve all protections and rights for victims of domestic violence.

G. *PECO has provided very little information about the process for customers to revert to standard billing.*

In its plan, PECO states that requests to revert to standard billing will be processed by the next business day and that all available credit arrangement options will be available upon reversion.[54] PECO does not specify whether customers who have been terminated or are very close to termination will undergo the same, next day process to revert to standard billing. Additionally, the pilot proposal does not indicate when the reversion will occur or whether participants will receive account adjustments if it is determined that they would have received a more affordable payment arrangement under standard service than they received under PECOs' pilot. The proposal states that the request will be processed the next day, but there is an open question about whether there is any delay from processing to actual reversion. If the Commission approves a version of PECO's pilot program, it should require that customers who exit the program experience a seamless transition to standard billing free of delays or gaps in service. If this plan or some other version of it is approved by the Commission, TURN *et al.* urge the Commission to require strong program rules that ensure requests are processed timely and there are no gaps and delays in processing.

H. *PECO's pilot proposal lacks adequate information about payment options and potential increased costs due to choice of payment method.*

In its Pilot Plan and Petition, PECO states that payments can be made through all existing PECO payment channels.[55] Current payment channels include payments directly deducted from a bank account, payments made over the telephone or online with credit or debit cards, and

[54] Pilot Plan and Petition, Attachment 1 ¶ 16 (the pilot proposal also states that no additional deposit will be required to revert to standard billing).
[55] Pilot Plan and Petition, Attachment ¶ 7.

payments made by mail or in person by check.[56] If the Commission approves some version of PECO's pilot, all of these payment methods should be made available to customers on a 24-hour a day, seven-day a week basis to prevent potential health and safety risks. TURN *et al.* also urge PECO to think creatively about establishing even more flexible payment opportunities so that customers can make payments to avoid loss of service.

Additionally, PECO should eliminate costs associated with making payments for pilot program participants. PECO does not discuss any potential increase in costs for participants through application of transaction fees. Currently, any payment made by debit or credit card will be charged a $2.35 convenience fee.[57] The National Consumer Law Center has found that most participants in prepaid meter programs across the country pay more for their electric due in part to various fees.[58] TURN *et al.* urge PECO to eliminate these transaction costs entirely so that moderate-income and payment troubled customers who may make many small payments do not face higher costs.

I. *PECO does not include adequate information to ensure appropriate evaluation and monitoring of the pilot.*

PECO plans to conduct process and impact evaluations during the first and second years of the pilot program, respectively.[59] PECO has not specifically stated which data it will collect and what it will report beyond a general statement that it will collect information about the costs and benefits of collections and administration of the program as well as customer behavior and

[56] https://www.peco.com/MyAccount/MyBillUsage/pages/PayMyBill.aspx
[57] https://secure.peco.com/MyAccount/MyBillUsage/PayMyBill/Pages/ExpeditedCreditOrDebit.aspx.
[58] *See* Nat'l Consumer Law Center, Rethinking Prepaid Utility Service: Customers at Risk 14-15 (June 2012), http://www.nclc.org/images/pdf/energy_utility_telecom/consumer_protection_and_regulatory_issues/report_prepaid_utility.pdf.
[59] Pilot Plan and Petition, Attachment ¶ 18. This basic timeline for evaluation is required under 52 Pa. Code § 56.17(3)(v)(A).

energy consumption.[60] TURN *et al.* submit that if the Commission is to approve any version of PECO's pilot program, it should require strong monitoring and disclosure of important data points to ensure sufficient information to properly assess the pilot. TURN *et al.* urge the Commission to require monthly reporting of the following data points to effectively monitor this new program:

- Number of customers
- Number of customers with arrears of 30 days or more
- Dollar value of arrears
- Number of disconnection notices sent
- Number of service disconnections for non-payment
- Number of service reconnections after disconnection for non-payment
- Number of new payment arrangements entered
- Number of payment arrangements successfully completed
- Number of failed payment arrangements
- Number of requests for medical certifications
- Number of reversions to standard billing
- Processing time for reversion request
- Breakdown of income level of participants and racial/ethnic data

TURN *et al.* submit that these data points would show whether this plan actually provides beneficial payment options to PECO customers or whether it simply attracts payment troubled lower-to-moderate income customers who, in turn, face more terminations. This data will be an

[60] Pilot Plan and Petition, Attachment ¶ 18.

important tool for PECO, the Commission, and the public to determine whether this is a worthwhile program that should continue beyond any pilot program.

VI. PECO'S PROPOSAL SHOULD BE REJECTED BECAUSE IT IS NOT IN THE PUBLIC INTEREST AND CREATES SECOND TIER ELECTRIC SERVICE

PECO asserts that the Commission should review whether PECO's requests to waive provisions of the Commission's regulations are in the public interest, but that the Commission should not review the pilot proposal itself to determine if it is in the public interest. PECO states that because prepayment regulations already exist, the pilot proposal should be reviewed only to determine whether it complies with the Advance Payments regulations found at 52 Pa. Code § 56.17.[61] TURN *et al.* strongly disagree. The nature of the service PECO proposes to provide under its pilot plan is so fundamentally different from standard service as to warrant rigorous review. TURN et al. submit that PECO's Pilot Plan and Petition fails to serve the public interest and should be rejected. TURN *et al.* have demonstrated in these Comments that the potential harm caused by PECO's proposal greatly outweighs any benefit of the pilot program. PECO's proposal eliminates essential consumer protections for PECO's customers, including the right to meaningful pre-termination notification, the right to protection from termination during the winter, and the right to expediently and efficiently access the medical certification procedure available under state law. The proposal is vague and does not provide adequate answers to important questions about the operation of the program and how PECO will fulfill its legal obligations to protect vulnerable customers, including tenants and victims of domestic violence.

PECO's proposal is not in the public interest because it has the potential to establish second tier utility service in Pennsylvania. TURN *et al.* are concerned that PECO's program will target individuals with limited to moderate income. Although PECO states that it will exclude

[61] *See* Pilot Plan and Petition ¶ 12.

participants who have an annual household gross income at or below 150% of the poverty level from participation in the pilot program,[62] PECO intends to make its program available to individuals with income greater than 150% of the poverty, many of whom, although not low income as defined by the Commission's regulations, possess severely limited resources and are vulnerable by other standards.[63] PECO has not stated how it intends to safeguard these vulnerable households or how it will ensure that limited income households are not improperly targeted for inclusion in the pilot program. PECO proposes to make its pilot program available to economically vulnerable households, including households who have a delinquent balance with PECO of up to $1500.[64] PECO's proposal is a sort of economic duress for customers who have been unable to access payment arrangements, most likely due to PECO's unwillingness to provide additional payment options. In lieu of being provided standard service on affordable terms, these customers will be permitted to obtain prepayment meter service, provided they waive their rights to important consumer protections. This is simply unacceptable. PECO customers should not be enticed to forfeit their consumer protections simply to access or preserve utility service.

PECO acknowledges that its own research suggests that "no major jurisdictional Pennsylvania utility has implemented an Advanced Payments program" in the nearly 40 years

[62] Pilot Plan and Petition ¶ 15.

[63] The Public Utility Code implicitly recognizes the vulnerability that limited income households experience, even when these households have income up to 250% FPL, by prohibiting PECO (and all other PUC regulated electric distribution utilities) from terminating service during the winter for customers at or below 250% of federal poverty level, unless the utility has Commission approval. 66 Pa. C.S. § 1406(e). A household of four at 151% of the poverty level has a gross household income of approximately $3058 per month. PECO has also made clear that it "expects that the lessons learned from the pilot will allow it to design a more successful program for **broad-scale deployment** throughout the Company's service territory." Pilot Plan and Petition ¶ 5 (emphasis added). TURN *et al.* question whether PECO intends to include low income customers in future broad scale deployment. TURN *et al.* will oppose any future effort to make prepaid meter service available to PECO's low income customers.

[64] Pilot Plan and Petition ¶ 6.

since the Commission's regulations have allowed for such programs.[65] TURN *et al.* posit that in the absence of Pennsylvania specific data, the Commission should review the harm caused by Advance Payments programs in other jurisdictions, which have implemented these programs. TURN *et al.* are deeply concerned by findings which suggest that prepaid metering programs in other jurisdictions have targeted low and moderate income consumers, and have been concentrated among racial minorities.[66] The data from other jurisdictions reveals that there are significant risks associated with implementing a prepayment meter program.

In contrast, PECO's proposal has limited usefulness and its benefits have not been clearly defined. PECO lists benefits to customers who participate in prepayment plans in other jurisdictions as increased levels of customer satisfaction, reduced usage, and decreased arrearages.[67] PECO does not, however, provide any data, statistics, studies, or citations for these claimed benefits. Nor does PECO specify which plan designs have seen benefits and whether PECO's plan is designed to achieve those benefits. Moreover, there is no evidence to suggest that usage reductions spurred by prepayment programs are based on energy conservation rather than customer deprivation.[68] PECO states that it "expects that the lessons learned from the pilot will allow it to design a more successful program for broad-scale deployment throughout the Company's service territory" yet PECO has not provided any supporting data to show that the participants who volunteer for this program are a representative sample or will have

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[65] Pilot Plan and Petition ¶ 3.

[66] *See* Nat'l Consumer Law Center, Rethinking Prepaid Utility Service: Customers at Risk 16-17 (June 2012), *available at* http://www.nclc.org/images/pdf/energy_utility_telecom/ consumer_protection_and_regulatory_issues/report_prepaid_utility.pdf. Utilities that have implemented prepayment programs report low average income of participants. In Great Britain, where prepayment programs have existed for some time, the average income of participants in 2009 was only $21,929 and 39% of participants had disabilities.

[67] Pilot Plan and Petition ¶ 4.

[68] *See* Nat'l Consumer Law Center, Rethinking Prepaid Utility Service: Customers at Risk 11 (June 2012), http://www.nclc.org/images/pdf/energy_utility_telecom/consumer_protection_and_regulatory_issues/report_prepaid_utility.pdf.

representative experiences when compared to customers who would participate in a broad scale deployment.[69] Any perceived benefits to PECO's proposal are greatly outweighed by a lack of supporting data and the significant likelihood of harm that has been described at length in these Comments.[70]

VII. PECO'S REQUESTS FOR WAIVERS OF COMMISSION REGULATIONS SHOULD BE DENIED

PECO's Pilot Plan and Petition also seeks waiver of several Commission regulations. TURN *et al.* believe that the Commission should reject all of PECO's requests for waivers because the pilot proposal itself should be rejected. TURN *et al.* oppose the pilot proposal because it does not comply with statutory consumer protections, it does not provide adequate information about practical and legal implications of the program, and because it is not in the public interest. TURN *et al.* submit that PECO's request to waive four regulatory requirements under the Advance Payments regulations should not be addressed because the Commission must first address the significant inadequacies and incongruences the proposal presents with later-enacted statutes and regulations.

TURN *et al.* are particularly troubled by PECO's request to waive 52 Pa. Code § 56.53 to permit PECO to use participant deposits to fund program participation. PECO seeks a waiver to allow customers and applicants who already have a deposit on their account to use that deposit toward funding their initial participation in the pilot.[71] TURN *et al.* submit that this waiver is not permissible under the Commission's regulations as PECO suggests and should be denied.[72] PECO has sought to implement a new payment system that exempts it from numerous statutory

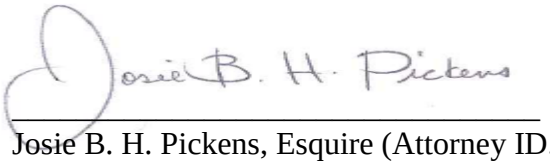
[69] Pilot Plan and Petition ¶ 5.
[70] Additionally, PECO has not explained why any perceived benefits could not be applied under the standard billing model. Customers who use standard billing could also have access to information about how much PECO service they are using and how much it is costing them. There is no reason these benefits could not also be provided under the standard billing model.
[71] Pilot Plan and Petition, Attachment 1 ¶ 31.
[72] Pilot Plan and Petition, Attachment 1 ¶ 35.

and regulatory obligations. With this request, PECO has attempted to rewrite the current law on customer deposits for participants of its pilot. The deposit rules require PECO to hold and return a deposit until a timely payment history is established or for a maximum of 24 months.[73] Rules regarding when and how a utility can return a deposit must be consistently followed and therefore this waiver request, and all waiver requests contained in PECO's pilot proposal, should be rejected.

VIII. CONCLUSION

For the reasons set forth in these Comments, TURN *et al.* urge the Commission to reject PECO's Pilot Plan and Petition in its entirety.

Respectfully Submitted,



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[73] 52 Pa. Code § 56.53(a).