



March 13, 2017

VIA E-FILING

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of its Default Service Plan, Docket P-2012-2283641

Dear Secretary Chiavetta,

Please accept this letter filed on behalf of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN et al.) (collectively “Low-Income Advocates”) in response to the letter submitted by PECO Electric Company on March 6, 2017.

In its March 6, 2016 letter, PECO states that its ability to fully implement a CAP shopping plan by its planned April 14, 2017 date is conditioned upon it receiving approval and direction from the Commission by March 16, 2017. Low-Income Advocates respectfully submit that even if the Commission were to make a determination by March 16, 2017, there is insufficient time to allow for implementation by April 2017, and, as such, request that the Commission delay implementation of CAP Shopping until all of the issues outlined below are appropriately resolved.

First, PECO has not yet filed a revision to its Electric Service Tariff. On May 11, 2016, the Commission issued a Secretarial Letter directing PECO to comply with a proposed rule revision to its CAP Shopping Plan in its now current DSP III proceeding.¹ On September 1, 2016, PECO filed a letter with the Commission including a proposed rule revision to its Electric Generation Supplier (EGS) Tariff Rule 5.5.2(3), which proposed to state that EGSs that serve CAP customers “Must not enter into any contract that imposes early cancellation/termination fees.”

¹ Petition of PECO Energy Company for Approval of its Default Service Plan, Docket No. P-2012-2283641, May 11, 2016 Secretarial Letter.

PECO noted in this letter that “[u]ltimately, PECO will need to file changes to its Electric Service Tariff to make clear the CAP customers may shop.”² **PECO has not yet filed a revision to its Electric Service Tariff.** It is not clear when PECO intends to make this filing, although it indicates in its September 1, 2016 letter that the tariff will also have an effective date of April 14, 2017.³ All parties must be afforded an opportunity to review this tariff change and determine whether a complaint and request for suspension is appropriate before such a tariff is effective.

Second, the Commission has not yet made a final ruling on CAP Shopping. The Commission has before it the complete and entire record that was developed in Petition of PECO Energy Company for Approval of its Default Service Program for the Period from June 1, 2017 through May 31, 2019, Docket No. P-2016-2534980 (hereinafter DSP IV), as well as the Low-Income Advocates’ Petition for Reconsideration and/or Clarification to its December 8, 2016 Order in DSP IV.⁴ Once the Commission rules on the Petition for Reconsideration, the parties should be provided an opportunity to review the Commission order and made a determination as to whether judicial review is warranted.

Finally, PECO has not developed a plan or convened a collaborative to address CAP Shopping education. Even if the aforementioned issues are addressed, as a part of the Commission’s January 24, 2014 Order and March 12, 2014 Order on Reconsideration,⁵ the Commission required PECO to convene a collaborative with interested stakeholders, the Commission’s Office of Competitive Market Oversight, and the Office of Communications to address specific elements of the educational plan for CAP shopping. While PECO itself acknowledges that “[a]bsent a final Commission approval of PECO’s proposed rule revision, there is no concrete basis for those discussions”⁶, Low-Income Advocates submit that even if the Commission were to approve PECO’s rule revision by March 16th there would be insufficient time to convene the parties and allow them to make a meaningful and informed contribution to CAP customer shopping *before* shopping would take effect. It is essential to remember that PECO’s CAP customers have never before been permitted to choose EGS-provided service and remain enrolled CAP. Thus, whatever the rules and restrictions, these customers will have to be meaningfully and significantly educated about electric shopping and obligations to remain compliant with CAP program rules. This cannot, and should not, be rushed but it must occur *before* any such shopping occurs.⁷

² September 1, 2016 Letter by PECO in Petition of PECO Energy Company for Approval of its Default Service Plan, Docket No. P-2012-2283641 at 4.

³ Id.

⁴ The Commission granted reconsideration of its DSP IV order pending further review of and consideration on the merits by order dated December 22, 2016.

⁵ *Opinion and Order: Petition of PECO Energy Company for Approval of its Default Service Plan*, Docket P. 2012-2283641 (January 24, 2014); *Opinion and Order (Reconsideration): Petition of PECO Energy Company for Approval of its Default Service Plan*, Docket P. 2012-2283641 (March 24, 2014).

⁶ March 6, 2017 letter at 1.

⁷ The matters in this proceeding are further complicated by the Commission’s October 27, 2016 decision in *Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for Period of June 1, 2017 Through May 31, 2021*, Docket No. P-2016-2526627 to restrict CAP customer shopping to an approved CAP-SOP program so as to protect CAP customers and other ratepayers who pay for CAP from the ample harm attributed to unrestricted CAP shopping, as well as the decision of RESA to appeal that determination to the

In light of the significant number of unknowns addressed here and in PECO's March 6, 2017 letter, the Low Income Advocates assert that that Commission should inform PECO to stop further implementation of CAP shopping until so ordered by the Commission, and then only with a reasonable and appropriate implementation period to allow for all of the foregoing issues to be addressed prior to the initiation of any CAP shopping.

Please do not hesitate to contact either of the undersigned with questions or concerns.

Respectfully submitted,

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF ITS :
DEFAULT SERVICE PLAN : DOCKET NO. P-2012-2283641
:

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2017, I have served copies of foregoing letter upon all of the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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