June 5, 2018

VIA E-FILE

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120


REPLY OF THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA TO THE NEW MATTER OF PECO ENERGY COMPANY

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Reply of The Trustees of the University of Pennsylvania to the New Matter of PECO Energy Company. Copies of the Reply are being served on the Presiding Officers, Deputy Chief Administrative Law Judge Pell and Administrative Law Judge Brady, and on all parties, as indicated on the enclosed Certificate of Service.

If you have any questions regarding this filing, please direct them to me. Thank you for your attention to this matter.

Sincerely,

The Trustees of the University of Pennsylvania
17 North Second Street Suite 1410 Harrisburg, PA 17101
717.703.5900 877.868.0840 717.703.5901 Fax cozen.com
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

v. : C-2018-3001636
PECO Energy Company :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Reply of The
Trustees of the University of Pennsylvania to the New Matter of PECO Energy Company, upon
the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to
service by a party).

VIA E-MAIL AND FIRST CLASS MAIL:

Romulo L. Diaz, Jr. Esquire
Jack R. Garfinkle, Esquire
W. Craig Williams, Esquire
Michael S. Swerling, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101
E-mail: romulo.diaz@exeloncorp.com
E-mail: jack.garfinkle@exeloncorp.com
E-mail: craig.williams@exeloncorp.com
E-mail: michael.swerling@exeloncorp.com
Counsel for PECO Energy Company

Carrie B. Wright, Esquire
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
400 North Street, 2 West
Harrisburg, PA 17120
E-mail: carwright@pa.gov
Counsel for Bureau of Investigation & Enforcement

Elizabeth Rose Triscari, Esquire
Office of Small Business Advocate
300 North Second Street - Suite 202
Harrisburg, PA 17101
E-mail: etriscari@pa.gov
Counsel for Office of Small Business Advocate

Kenneth M. Kulak, Esquire
Anthony C. DeCusatis, Esquire
Catherine G. Vasudevan, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
E-mail: ken.kulak@morganlewis.com
E-mail: anthony.decusatis@morganlewis.com
E-mail: catherine.vasudevan@morganlewis.com
Counsel for PECO Energy Company

Christy M. Appleby, Esquire
Hayley Dunn, Esquire
Aron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
E-mail: CAppleby@paoca.org
E-mail: HDunn@paoca.org
E-mail: ABeatty@paoca.org
Counsel for Office of Consumer Advocate
Patrick M. Cicero, Esquire
Elizabeth R. Marx, Esquire
Kadeem G. Morris, Esquire
Public Utility Law Project
118 Locust Street
Harrisburg, PA 17101
E-mail: pulp@palegalaid.net
Counsel for Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)

Scott J. Rubin, Esquire
333 Oak Lane
Bloomsburg, PA 17815
E-mail: Scott.j.rubin@gmail.com
Counsel for International Brotherhood of Electrical Workers, Local 614 (IBEW Local 614)

Charles T. Joyce, Esquire
Spear Wilderman, P.C.
230 South Broad Street, Suite 1400
Philadelphia, PA 19102
E-mail: cjoyce@spearwilderman.com
Counsel for International Brotherhood of Electrical Workers, Local 614 (IBEW Local 614)

Joseph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
E-mail: jlvullo@bvrrlaw.com
Counsel for Community Association of Pennsylvania (CAAP)

Charis Mincavage, Esquire
Adeolu Bakare, Esquire
Alessandra L. Hylander, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
E-mail: cmincavage@mcneeslaw.com
E-mail: abakare@mcneeslaw.com
E-mail: ahylander@mcneeslaw.com
Counsel for Philadelphia Area Industrial Users Group (PAIEUG)

Roger E. Clark, Esquire
Delaware Valley Regional Planning Commission
905 Denston Drive
Ambler, PA 19002
E-mail: roger@rogerclarkconsulting.com
Counsel for the Delaware Valley Regional Planning Commission

Roman Petyk, Esquire
2929 Walnut Street
FMC Tower, Suite 400
Philadelphia, PA 19104-5099
E-mail: roman.petyk@ogc.upenn.edu
Counsel for The Trustees of the University of Pennsylvania

Joline R. Price, Esquire
Robert W. Ballenger, Esquire
Community Legal Services of Philadelphia
1424 Chestnut Street
Philadelphia, PA 19102
E-mail: jprice@clsphila.org
E-mail: rballenger@clsphila.org
Counsel for TURN et al.

Mark C. Hammond, Esquire
Land Air Water Legal Solutions, LLC
100 Westlakes, Drive, Suite 150
Berwyn, PA 19312
E-mail: mhammond@landairwater.com
Counsel for Tesla, Inc.

Donald R. Wagner, Esquire
Linda R. Evers, Esquire
Michael A. Gruin, Esquire
Stevens & Lee
111 N. Sixth Street
Reading, PA 19601
E-mail: drw@stevenslee.com
E-mail: lev@stevenslee.com
E-mail: mag@stevenslee.com
Counsel for Walmart

Karen O. Moury, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
E-mail: kmoury@eckertseamans.com
Counsel for NRG Energy, Inc.
Deanne M. O'Dell, Esquire
Sarah C. Stoner, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
E-mail: dodell@eckertseamans.com
E-mail: stoner@eckertseamans.com
Counsel for Retail Energy Supply Association (RESA)

Mark Belland, Esquire
O'Brien, Belland & Bushinsky, LLC
500-506 North 6th Street
Philadelphia, PA 19123
E-mail: mbelland@obbblaw.com
Counsel for Laborers International Union of North America, Local 57

DATED: June 5, 2018

David P. Zambito, Esquire
Counsel for These Trustees of the University of Pennsylvania
VERIFICATION

I, [Faramarz Vakili], hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 6-5-18

Faramarz Vakili
Executive Director of Operations and Maintenance
Facilities and Real Estate Services
University of Pennsylvania
3101 Walnut Street
Philadelphia, PA 19104
AND NOW COMES The Trustees of the University of Pennsylvania ("UPENN"), by and through its counsel, Cozen O'Connor, pursuant to 52 Pa. Code § 5.63, to submit this Reply to the New Matter contained in the “Answer of PECO Energy Company to the Complaint of The Trustees of the University of Pennsylvania” (the “Answer”) filed by PECO Energy Company ("PECO") on May 16, 2018. In support thereof, UPENN avers as follows:

I. Reply

17. Denied. The regulations of the Pennsylvania Public Utility Commission ("Commission") are written documents that speak for themselves.

18. Denied. This paragraph states a legal conclusion to which no response is required.
19. Denied. This paragraph states a legal conclusion to which no response is required. By way of further answer, UPENN incorporates by reference Paragraph 10 of its Complaint, including footnote 2, which states:

While the Commission has regulations for the siting of high voltage transmission lines (i.e., designed for 100,000 volts or greater), the Commission has no such regulations for the siting of low voltage transmission lines. See 52 Pa Code §§ 57.71-57.77 ("Commission Review of Siting and Construction of Electric Transmission Lines"). The absence of Commission regulations for the siting of low voltage transmission lines suggests that such sittings should be specifically governed by the electric distribution company’s Commission-approved tariff and not left to the unbridled discretion of the company.

UPENN also incorporates by reference the averments of Paragraph 12 of its Complaint.

20. Denied. Section 1501 of the Pennsylvania Public Utility Code ("Code"), 66 Pa. C.S. § 1501, is a written document that speaks for itself. The remainder of this paragraph states a legal conclusion to which no response is required. By way of further response, UPENN incorporates by reference the averments of Paragraph 12 of its Complaint.

21. This paragraph states a legal conclusion to which no response is required.

22. This paragraph states a legal conclusion to which no response is required.

23. This paragraph states a legal conclusion to which no response is required.

24. This paragraph states a legal conclusion to which no response is required. By way of further answer, the availability of other remedies does not prevent a complainant from filing a proper complaint against a proposed rate increase.

25. After reasonable investigation, UPENN is unable to admit or deny the allegations of this paragraph.

26. Admitted. By way of further answer, PECO’s Answer states that it “may seek the incremental costs incurred to accommodate a third-party’s request from the third party requesting the departure from a planned route” (emphasis added). The permissive (“may”) rather than
mandatory ("shall") nature of this statement gives rise to the possibility of discrimination in violation of 66 Pa. C.S. §§ 1301 and 1304, as stated in UPENN’s Complaint at ¶¶ 9, 11 and 12. Additionally, to the extent that PECO seeks and obtains incremental costs from third parties to depart from a planned route, PECO should be required to account for those monies in this rate proceeding, so that ratepayers will benefit rather than shareholders. By way of further answer, UPENN incorporates by reference the averments of Paragraph 13 of its Complaint.

27. This paragraph states a legal conclusion to which no response is required. By way of further answer, UPENN incorporates by reference the averments of Paragraphs 19, 24 and 26, supra.

28. This paragraph states a legal conclusion to which no response is necessary. By way of further answer, UPENN incorporates by reference the averments of Paragraph 24, supra.

29. This paragraph states a legal conclusion to which no response is necessary. By way of further answer, UPENN incorporates by reference the averments of Paragraphs 19, 24 and 26, supra.
II. CONCLUSION

WHEREFORE, for the foregoing reasons, UPENN continues to request that the Commission: deny any charges or changes contained in PECO’s proposed Tariff Electric Pa. P.U.C. No. 6 that cannot be fully justified, or which otherwise are contrary to the Code, sound ratemaking principles and public policy; determine the justness and reasonableness of PECO’s proposed rates; consider the practices used by PECO to determine the amount that it will charge for the “incremental costs” of relocating a low voltage transmission line on an alternative site; investigate the amounts actually collected, and anticipated to be collected, by PECO, for the alternative location of low voltage transmission lines, and the accounting treatment thereof; and, grant such other relief as the Commission deems to be necessary or proper.

Respectfully submitted,

[Signature]

David P. Zambito (PA ID No. 800177)
Jonathan P. Nase (PA ID No. 44003)
Cozen O’Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
Tel: (717) 703-5892
Fax: (215) 989-4216
Email: dzambito@cozen.com
jnase@cozen.com

Roman Petyk, Esquire (PA ID No. 59446)
Associate General Counsel
The University of Pennsylvania
Office of General Counsel
2929 Walnut Street
FMC Tower, Suite 400
Philadelphia, PA 19104-5099
Tel: (215) 746-5275
Fax: (215) 746-5222
Email: roman.petyk@ogc.upenn.edu

Dated: June 5, 2018

Counsel for The Trustees of the University of Pennsylvania