



VIA E-FILE

July 28, 2020

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Re: PECO Energy Company's 2019-2024 Universal Service and Energy Conservation Plan, Docket Nos. M-2018-3005795, P-2020-3020727

Dear Secretary Chiavetta:

Attached for filing, please find the **Answer of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Joint Petition of the First Energy Companies**. Hard copies will follow consistent with the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

Elizabeth R. Marx
Counsel for CAUSE-PA

CC: Certificate of Service
Joseph Magee, Bureau of Consumer Services, jmagee@pa.gov
Louise Fink-Smith, Esq., Law Bureau, finksmith@pa.gov

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO Energy Company's 2019- 2024 Universal : Docket Nos. M-2018-3005795
Service and Energy Conservation Plan : P-2020-3020727

**ANSWER OF THE COALITION FOR AFFORDABLE UTILITY
SERVICES AND ENERGY EFFICIENCY IN PENNSYLVANIA**

Counsel for CAUSE-PA

PENNSYLVANIA UTILITY LAW PROJECT
Elizabeth R. Marx, Esq., PA ID: 309014
Ria M. Pereira, Esq., PA ID: 316771
John Sweet, Esq. PA ID: 320182
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
pulp@palegalaid.net

July 28, 2020

I. INTRODUCTION AND BACKGROUND

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.61(e), 5.71-.76, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Answer to PECO Energy Company's (PECO or Company) Amended Proposed 2019-2024 Universal Service and Energy Conservation Plan (Amended Proposed USECP) filed on July 8, 2020, docketed as a Petition at P-2020-3020727. CAUSE-PA strongly supports a number of critical aspects within PECO's Amended Proposed USECP, including PECO's proposal to transition its current CAP fixed credit option payment plan to a percentage of income payment plan and to reduce the applicable maximum energy burden for PECO CAP participants with income between 0-100% of the federal poverty level (FPL). Nevertheless, and notwithstanding this support, CAUSE-PA has a number of concerns with PECO's proposals; namely, its decision to keep its current maximum energy burden for households at 101-150% FPL, which has been determined by the Commission to be unaffordable. As explained in further detail below, CAUSE-PA recommends that PECO's Amended Proposed USECP – which was converted to an independent docketed Petition – be consolidated with the Commission's pending periodic review of PECO's full USECP, and referred to the Office of Administrative Law Judge to develop record facts and critical data to assist in the Commission's review of PECO's proposals in this proceeding.

In support thereof, CAUSE-PA states as follows:

1. On November 1, 2018, PECO filed its proposed USECP for 2019-2021.

2. On October 3, 2019, the Commission issued an Order extending the USECP filing schedule from three to five years and directing each utility – including PECO – to file updated enrollment and budget projections for the additional years of their currently-effective USECP.¹ As part of this Order, the Commission extended PECO’s pending USECP from 2021 to 2024.²
3. On November 5, 2019, the Commission entered a Final Policy Statement and Order at Docket No. M-2019-3012599 (November 5 Order), which ordered a number of critical reforms to the Commission’s Customer Assistance Program (CAP) Policy Statement at 52 Pa. Code §§ 69.261-.267.³
4. In its November 5 Order, the Commission found that, based on extensive data, analysis, and information in these underlying proceedings,⁴ the current CAP energy burden standards were excessive and did not fulfill the Commission’s statutory obligation to ensure that universal service programming is appropriately funded and accessible to low income customers.⁵ Accordingly, the Commission reduced the energy burden standards for customers enrolled in a utility-run CAP, setting a maximum *combined* energy burden of 10% for households with income between 51-150% of the Federal Poverty Level (FPL) and 6% for households with income between 0-50% FPL.⁶ For electric baseload (non-heating) customers, the maximum

¹ See Universal Service and Energy Conservation Plan (USECP) Filing Schedule and Independent Evaluation Filing Schedule, Docket No. M-2019-3012601, at 15-16 (order entered Oct. 3, 2019).

² See *id.*

³ 2019 Amendments to CAP Policy Statement, Final Policy Statement and Order, Docket No. M-2019-3012599, at 27 (order entered Nov. 5, 2019) (hereinafter November 5 Order).

⁴ Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, and Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907.

⁵ November 5 Order at 27.

⁶ *Id.* at 32-33.

was set at 4% for customers with income between 51-150% FPL and 2% for customers with income between 0-50% FPL.⁷ In reducing the maximum energy burden standards, the Commission found that the existing maximum energy burden standards, originally established in 1992, “do not reflect reasonable or affordable payments for many low-income customers” - especially for those with income at or below 50% FPL.⁸

5. In addition to adjusting the maximum energy burden standards, the Commission made a number of additional reforms to its CAP Policy Statement to improve the accessibility and affordability of the program.⁹
6. To help facilitate implementation of the guidelines set forth in the Commission’s revised CAP Policy Statement, the Commission directed each utility to file and serve an addendum to their existing or proposed Universal Service and Energy Conservation Plan (USECP) within 60 days of entry date of the November 5 Order to indicate whether the utility’s existing or pending USECP was consistent with the amended CAP Policy Statement and, if not, whether and how the utility would implement the policy changes specified in the amended CAP Policy Statement.¹⁰
7. On November 20, 2019, the Energy Association of Pennsylvania (EAP) and the Office of Consumer Advocate (OCA) each – on separate grounds – filed Petitions for Reconsideration and/or Clarification of the Commission’s November 5 Order. EAP also filed a Petition to Stay the Commission’s November 5 Order until resolution of its Petition for Reconsideration. This Petition for Stay was granted on November 25, 2019.¹¹

⁷ Id.

⁸ Id. at 27, 29-30

⁹ Id. at 101-104.

¹⁰ Id. at 106.

¹¹ 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code § 69.261-267, Docket No. M-2019-3012599 (order entered November 25, 2019).

8. On November 26, 2019, PECO submitted a revised USECP, extending the effective date of its pending proposed USECP from 2022 to 2024.
9. On January 16, 2020, PECO submitted an extended USECP for 2019-2024.
10. On February 6, 2020, the Commission issued an Order (February 6 Order) which clarified that full compliance with the Commission's amended CAP Policy Statement is voluntary at this time, and directed each utility to file and serve a cover letter and addendum to their current Plan, consistent with the Commission's November 5 and February 6 Orders, within 15 days from the date of the Commission's Order of February 6, 2020.¹² The Commission emphasized in its Order that "[i]mplementation of the amendments to the Customer Assistance Program Policy Statement is strongly encouraged on or before January 1, 2021."¹³
11. On July 8, 2020, PECO submitted its Amended Proposed USECP to its existing USECP for program years 2019-2024, which was docketed with the Commission as a formal Petition at P-2020-3020727. Through its Amended Proposed USECP, PECO is seeking approval to implement a number of proposed amendments to its currently pending USECP, many (though not all) of which are consistent with the Commission's revised CAP Policy Statement. CAUSE-PA files this Answer in response thereto.

II. STANDING

12. Pursuant to the requirements contained in 52 Pa. Code § 5.61(e), CAUSE-PA asserts that it has standing to intervene and file an Answer in this proceeding.

¹² Petition of Energy Association of Pennsylvania for Reconsideration/Clarification of the November 5, 2019 Final CAP Policy Statement and Order, Order on Reconsideration and Clarification, Docket No. P-2020-3016889 & M-2019-3012599, at 14 para. 3 (order entered Feb. 6, 2020) (hereinafter February 6 Order).

¹³ Id.

13. Eligibility to intervene in Commission proceedings is governed by Section 5.72, which provides that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.”¹⁴
14. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.”¹⁵
15. While Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members... as long as the organization has at least one member who has or will suffer a direct, immediate, and substantial injury to interest as a result of the challenged action, [the organization] has standing.”¹⁶
16. CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating, and telecommunication services.
17. CAUSE-PA membership is open to individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income Pennsylvanians to connect and maintain affordable utility services.
18. CAUSE-PA is located, c/o Pennsylvania Legal Aid Network, 118 Locust Street, Harrisburg, PA 17101.

¹⁴ 52 Pa. Code. § 5.72(a).

¹⁵ 52 Pa. Code. § 5.72(a)(2).

¹⁶ Energy Cons. Council of Pa. v. Pa. PUC, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School District of Phila., 646 A.2d 689 (Pa. Commw. Ct. 1994)).

19. As an association of low-income individuals, CAUSE-PA has a direct interest in the prompt and efficient implementation of the Commission’s CAP Policy Statement reforms to address pervasive levels of unaffordable and unreasonable rates for CAP customers both in PECO’s service territory and across the state. These reforms are designed to address deep and persistent levels of unaffordability within CAP. If documented levels of unaffordability are allowed to persist without mitigation, economically vulnerable households will continue to be exposed to significant harm to their health, safety, and financial stability.¹⁷

20. CAUSE-PA has standing to intervene because at least one member of CAUSE-PA may suffer a direct, immediate, and substantial injury to their interests as a result of this proceeding.¹⁸

21. CAUSE-PA is represented in this proceeding by:

Elizabeth R. Marx, Esquire
Ria M. Pereira, Esquire
John Sweet, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
Facsimile: 717-233-4088
E-mail: pulp@palegalaid.net

22. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@palegalaid.net, as provided in 52 Pa. Code § 1.54(b)(3).

III. ANSWER

23. As explained in further detail below, CAUSE-PA is generally supportive of many aspects of PECO’s Proposed Amended USECP, including its proposed transition to a percentage of

¹⁷ See, e.g., Diana Hernandez, Understanding “Energy Insecurity” and Why It Matter to Health, J. Social Science & Medicine 167, at 1-10 (2016).

¹⁸ See Energy Cons. Council of Pa., 995 A.2d at 476. Ms. Marsha White Mathis, Mr. Carl Bailey, and Ms. Sonia Brookins are among several CAUSE-PA members who are also customers of PECO.

income payment plan CAP design and its proposed reduction in its applicable maximum CAP energy burden threshold for those with income between 0-100% FPL. Nevertheless, CAUSE-PA believes that further inquiry is necessary – as part of the Commission’s periodic USECP review process – to address a number of questions regarding PECO’s proposed amendments, including but not limited to the justness and reasonableness of its proposal to impose an energy burden for households with income between 101-150% FPL that greatly exceeds the Commission’s revised energy burden standards.

A. CAUSE-PA strongly supports the prompt adoption of PECO’s proposal to transition its CAP design from a fixed credit option payment plan to a percentage of income payment plan.

24. In its Proposed Amended USECP, PECO seeks to transition from its currently approved CAP fixed credit option (FCO) payment plan to a CAP percentage of income payment plan (PIPP) and to reduce its associated energy burdens no later than eight months after Commission approval of the Amended Proposed USECP. (Amended Proposed USECP, Filing Letter at 1).
25. CAUSE-PA strongly supports PECO’s proposal to transition from an FCO payment plan to a PIPP. CAUSE-PA has long supported transition of PECO’s CAP design to a PIPP, and maintains that adoption of a PIPP is critical to addressing long-standing affordability issues inherent in the design of PECO’s CAP, particularly for those with income at or below 50% FPL.¹⁹ PECO implemented its current FCO in 2016 after extensive litigation and mediation over persistent affordability issues inherent in PECO’s former CAP design.²⁰ Unfortunately, an independent third party review of PECO’s CAP revealed that the FCO redesign did not

¹⁹ See PECO Energy Co. Universal Service and Energy Conservation Plan for 2013-2015 Submitted in Compliance with 52 Pa. Code §§ 54.74 and 62.4, Recommended Decision, Docket No. M-2012-2290911, at 23 (June 11, 2015) (approved by the Commission by Order dated July 8, 2015).

²⁰ See id.

resolve those longstanding affordability issues – and in fact further exacerbated the unaffordability issues which led to the adoption of the FCO.²¹ In the first two years of implementing PECO’s FCO, 80% of households with income between 0-50% FPL received an unaffordable bill, with a “depth” of unaffordability reaching an astounding \$800 per year.²²

26. Transitioning from the FCO payment plan to a PIPP will allow PECO to more precisely target affordability by calculating CAP rates based on a specific percentage of a household’s individualized income – rather than an approximated credit level apportioned based on generalized income tier and historical, weather-normalized usage levels. Indeed, the FCO has proven ineffective to address longstanding affordability issues, and it is critical to the health, safety, and welfare of PECO’s low income customers and the communities in which they live and work that PECO promptly transition to a PIPP to remediate persistent and structural unaffordability in PECO’s universal service programming.

B. CAUSE-PA supports prompt adoption of the Commission’s reduced energy burdens for all eligible income tiers, including those with household income between 101-150% FPL.

27. In addition to its proposal to transition to a PIPP, PECO proposes to reduce the maximum energy burden thresholds for households with income between 0-100% FPL, consistent with the Commission’s recently revised CAP Policy Statement. However, PECO proposes to maintain its current maximum energy burden standards of 10% for natural gas heating, 7% for electric non-heating, and 17% for electric heating customers with income between 101-150% FPL. (Amended Proposed USECP, Attachment at 3). As noted above, in its November 5 Order, the Commission concluded that its existing energy burden standards were unaffordable,

²¹ See APPRISE, PECO Energy Universal Services Program: Final Evaluation and Report (June 2019), available at <http://www.puc.state.pa.us/pcdocs/1626073.pdf>.

²² Id. at 133-133, T.VIII-8F and VIII-8I.

and established new maximum energy burden standards of 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating for those with income between 101%-150% FPL. In short, PECO is proposing to maintain an energy burden standard that exceeds the Commission's revised energy burden standards for households with income between 101-150% FPL – adding an additional 4% for natural gas heating, 3% for electric non-heating, and 7% for electric heating over and above the maximum energy burdens adopted by the Commission in its revised CAP Policy Statement.

28. CAUSE-PA is opposed to PECO's proposal to maintain its current maximum energy burden standards for households with income between 101-150% FPL, and asserts that PECO has failed to put forth evidence to support its decision to substantially deviate from the Commission's revised energy burden standards for households in this income tier. The Commission has squarely recognized that the energy burdens contained in its *prior* CAP Policy Statement did not reach an acceptable level of affordability. As the Commission concluded in its Final Order adopting the revised energy burden thresholds, a combined energy burden which exceeds 10% of household income is “unreasonable.”²³ Thus, PECO's proposal to continue applying the Commission's prior energy burden standards for households with income between 101-150% FPL – which would allow a maximum combined energy burden of up to 17% – is categorically “unreasonable” and falls short of addressing unacceptable levels of unaffordability identified by the Commission in its multi-year review of statewide CAP affordability.²⁴

²³ 2019 Amendments to Policy Statement on Customer Assistance Programs, 52 Pa. Code § 69.260-69.267, Final Policy Statement and Order, Docket No. M-2019-3012599 (order entered Nov. 5, 2019).

²⁴ See *id.*; see also Energy Affordability for Low Income Customers, Order, Docket No. M-2017-2587711 (Jan. 17, 2019) (releasing the Commission Staff Report, titled “Home Energy Affordability for Low Income Customers in Pennsylvania” which was initiated by the PUC “to ‘determine what constitutes an affordable energy burden for Pennsylvania’s low-income households’ and to identify “whether any changes in the Commission’s Customer

29. When a low income household is unable to afford energy services, they are often forced to make dangerous decisions between utility services and critical medical care, food, clothing, and other basic necessities.²⁵ Persistent levels of unaffordability in CAP can exacerbate this inherent tension, causing more households to go without service or to make other dangerous tradeoffs which impact the health and safety of household members and the greater community.²⁶
30. While affordability within CAP has always been a critical issue, the importance of providing an appropriately targeted level of affordability to all CAP customers is even more profound today, in light of the devastating, widespread, and likely long term economic impact that the pandemic has and continues to have on low income communities. Indeed, low wage workers have been hit hardest by pandemic-related wage and income losses,²⁷ while at the same time many residential households – especially those with school-age children – have faced increased

Assistance Program (CAP) Policy Statement or other Universal Service and Energy Conservation Program guidelines are necessary to bring these programs into alignment with any affordability recommendations.”); see also 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code § 69.261-69.267 (order entered Nov. 5, 2019) (explaining the history of the Commission’s multi-year, multi-faceted statewide investigation into the affordability of CAP for economically vulnerable consumers).

²⁵ See Review of Universal Service and Energy Conservation Programs, Joint Comments of CAUSE-PA & TURN et al., at 11-12, Docket No. M-2017-2596907 (Joint Comments filed August 8, 2017); see also Energy Affordability for Low-Income Customers in Pennsylvania, Joint Comments of TURN et al. & CAUSE-PA, at 12, Docket No. M-2017-258-7711 (comments filed May 8, 2019); US EIA, Residential Energy Consumption Survey (2015), <https://www.eia.gov/consumption/residential/reports/2015/energybills/>; see also NEADA, 2018 National Energy Assistance Survey, at 17, 20 (Dec. 2018), <http://neada.org/wp-content/uploads/2015/03/liheapsurvey2018.pdf> (hereinafter NEADA Survey).

²⁶ See id.

²⁷ See, e.g., Martina Hund-Mehjean & Marcela Escobari, Brookings, Our Employment System has Failed Low-Wage Workers. How Can We Rebuild (April 28, 2020), <https://www.brookings.edu/blog/up-front/2020/04/28/our-employment-system-is-failing-low-wage-workers-how-do-we-make-it-more-resilient/>.

[W]orkers who earn low wages and do not have employer-sponsored health care account for 22 percent or 32 million of the country’s workforce. In a crisis, these workers are least attached to their employer and thus the most likely to be laid off or have their hours reduced. And nearly 40 percent of them, 12.3 million individuals, work in the hospitality and retail sectors, the two sectors most immediately impacted by COVID-19-related layoffs.

Id.; see also Stephanie Deluca et al., Johns Hopkins Univ. of Medicine, The Unequal Cost of Social Distancing, <https://coronavirus.jhu.edu/from-our-experts/the-unequal-cost-of-social-distancing>.

usage as families have stayed at home in compliance with widespread school, work, and business closures designed to stop the spread of the virus.²⁸

31. It is critical – especially now – that the Commission make prompt and decisive policy determinations which ensure that all low income consumers enrolled in a universal service program are able to access and maintain utility services to their home. CAUSE-PA urges the Commission to reject PECO’s proposal to maintain its current energy burden standards for households with income between 101-150% FPL. Rather, CAUSE-PA asserts that the Commission should order PECO to reduce its energy burden standards for this income tier consistent with the energy burden standards in the Commission’s revised CAP Policy Statement.

C. CAUSE-PA asserts that the projected cost impact of PECO’s proposed amendments is reasonable in light of the substantial improvements these reforms will bring to the accessibility and affordability of service to PECO’s economically vulnerable consumers.

32. PECO projects that implementation of its proposed USECP amendments will increase the cost of universal services by approximately \$22.3 million on average each year from 2022 to 2024, including increases in the years when the reduced energy burdens take effect. (Amended Proposed USECP, Redline Attachment 27)²⁹.

33. As of 2018, the last year for which this data is publicly available, there were approximately 1,476,268 residential customers who contributed to paying the costs of universal services in

²⁸ See, e.g., Electric Power Research Institute, Impact of COVID-19 on Consumer Energy Use & Outlook (April 29, 2020), http://mydocs.epri.com/Docs/public/covid19/COVID-19_survey_report.pdf; see also Christoph J. Meinrenken et al., Columbia University, New Data Suggest COVID-19 is Shifting the Burden of Energy Costs to Households (April 21, 2020), <https://blogs.ei.columbia.edu/2020/04/21/covid-19-energy-costs-households/>.

²⁹ When averaged together, the total projected increase in annual universal service expenditures for 2022 (\$21,294,000), 2023 (\$22,744,440), and 2024 (\$22,971,884) amounts to \$22,336,774.67 (\$67,010,324/3). Amended Proposed USECP, Redline Attachment 27.

PECO's service territory.³⁰ While the number of PECO's residential customers has likely increased since 2018, applying this conservative customer count shows that the increase would amount to an average of \$15.13 per year – or \$1.26 per month.³¹ In balance, CAUSE-PA asserts that this additional cost to dramatically improve energy affordability for low income consumers is both just and reasonable, and consistent with applicable laws and policies governing universal service requirements in Pennsylvania.

34. It is also important to keep in mind that PECO's projections do not include the cost savings benefits that are likely to follow as a result of the dramatic improvements to CAP affordability, CAP retention, and CAP collections policies. As the Commission explored throughout the underlying Universal Service and Energy Burden investigations, it is well documented that targeting a truly affordable bill improves payment frequency and bill coverage rates. Once implemented, many of PECO's proposed program reforms have the potential to dramatically improve payment coverage and frequency rates, thereby decreasing uncollectible and collections-related expenses.

35. Consistent with the Commission's November 5 Order and the cost recovery practices of comparable utilities across the nation, CAUSE-PA urges the Commission to more explicitly encourage PECO to make a proposal in its next base rate proceeding to spread the cost of CAP and other universal service programs across all rate classes.³² Spreading the costs of CAP to all ratepayers would help to ensure that residential consumers do not continue to bear the full costs of this public purpose program. As the Commission concluded in its November 5 Order,

³⁰ Pa. PUC, BCS, 2018 Report on Universal Service Programs & Collections Performance, at 79 (Dec. 2019), http://www.puc.state.pa.us/filing_resources/universal_service_reports.aspx.

³¹ $\$22,336,774.67$ (average annual increase in total projected universal service costs) / $1,476,268$ (residential customers who pay for universal services, 2018) = $\$15.13/\text{year}$.

³² See November 5 Order at 80-97.

“the Commission finds it appropriate to consider recovery of the costs of CAP costs from all ratepayer classes... [and] will no longer routinely exempt non-residential classes from universal service obligations.”³³

D. CAUSE-PA supports many of the additional policy reforms proposed in PECO’s Proposed Amended USECP, though additional review is necessary.

36. In addition to its proposals to adopt a PIPP and to reduce its energy burden standards for those with income between 0-100% FPL, PECO proposes to adopt a number of additional program amendments, many of which are pursuant to the Commission’s amended CAP Policy Statement. For example, PECO proposes to accept Individual Tax Identification Numbers (ITINs) as an alternative to providing a Social Security Number – both of which remain optional to the applicant if they choose not to reveal this sensitive information. (Proposed Amended USECP Redline Attachment 12-13). PECO also proposes to eliminate late payment charges, to utilize the Commission’s standardized no income form, and to expand its universal service outreach and education program. (See id.).

37. CAUSE-PA is generally supportive of these proposed amendments; however, given the limited available time with which to review and respond to PECO’s Proposed Amended USECP, CAUSE-PA submits that additional review of these proposals would be prudent to allow the parties and the Commission to fully assess PECO’s proposals and to ensure the proposals are consistent with and in furtherance of the Commission’s revised CAP Policy Statement and the goals and objectives related thereto. As indicated below, in section E, CAUSE-PA supports formal consolidation of the instant Petition with the Commission’s pending review of PECO’s

³³ Id.

USECP, and recommends that the consolidated proceeding be referred to the Office of Administrative Law Judge to develop a record in this proceeding.

E. CAUSE-PA supports the consolidation of Docket Numbers M-2018-300579 and P-2020-3020727 to allow for the streamlined review of PECO's Proposed Amended USECP for 2019-2024.

38. CAUSE-PA asserts that, to the extent they are compliant with the Commission's revised CAP Policy Statement, the amendments proposed by PECO in its Amended Proposed USECP could be approved without further inquiry. Indeed, the Commission has already determined such reforms to be necessary and prudent after the conclusion of a multi-year investigation into the affordability and accessibility of universal service programs statewide.
39. Nevertheless, given PECO's USECP is currently pending review and approval by the Commission and in recognition of the complexity of some of PECO's proposals, CAUSE-PA supports formal consolidation of the currently pending Petition with the Commission's periodic review of PECO's USECP. As noted throughout, PECO is proposing a number of deviations from the Commission's revised CAP Policy Statement which require additional exploration of facts and analysis to assist the Commission in making a reasoned decision supported by substantial evidence.
40. CAUSE-PA submits that PECO's USECP should be referred to the Office of Administrative Law Judge for the purpose of developing a factual record pertaining to PECO's Proposed Amended USECP for consideration by the Commission in a consolidated proceeding.
41. As it stands, the Commission's periodic review of PECO's USECP is nearly two years behind schedule. Referring the matter to the OALJ for the purpose of developing a record in this proceeding would help to pinpoint areas of concern, streamline relevant facts and data, and

streamline the Commission's review and approval – preventing further delays in addressing critical affordability issues discussed throughout this Answer.

IV. CONCLUSION

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) strongly supports a number of aspects of PECO's Proposed Amended USECP, as described above. Nevertheless, several questions regarding PECO's proposals remain. Thus, CAUSE-PA supports consolidation of the instant Petition with PECO's pending periodic USECP review, and recommends that the matter be referred to the Office of Administrative Law Judge to streamline the issues and to help promptly develop critical factual information necessary to aid in the Commission's consideration of PECO's proposals.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



Elizabeth R. Marx, Esq., PA ID: 309014
Ria M. Pereira, Esq., PA ID: 316771
John Sweet, Esq., PA ID: 320182
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
pulp@palegalaid.net

Dated: July 28, 2020

Verification

I, **Elizabeth R. Marx**, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, hereby state that the facts contained in the foregoing pleadings are true and correct to the best of my knowledge, information, and belief, that I am duly authorized to make this Verification, 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).

A handwritten signature in blue ink that reads "Elizabeth R. Marx". The signature is written in a cursive style with a large initial 'E'.

Elizabeth R. Marx, Esq.

On behalf of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania (CAUSE-PA)

July 28, 2020

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO Energy Company's 2019- 2024 Universal : Docket Nos. M-2018-3005795
Service and Energy Conservation Plan : P-2020-3020727

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Answer of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

SERVICE BY EMAIL ONLY	
Jennedy S. Johnson, Esq. PECO Energy Company 2301 Market Street/ S23-1 Philadelphia, PA 19103 Jennedy.Johnson@exeloncorp.com	Richard Kanaskie, Esq. Bureau of Investigation and Enforcement Pennsylvania Public Utility Commission P.O. 3265 Harrisburg, PA 17105-3265 rkanskie@pa.gov
Darryl A. Lawrence, Esq Christy Appleby, Esq. Phillip D. Demanchick, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101-1923 CAappleby@paoca.org pdemanchick@paoca.org DLawrence@paoca.org	John R. Evans Office of the Small Business Advocate 555 Walnut Street 1 st Floor, Forum Place Harrisburg, PA 17101 jorevan@pa.gov
Josie B. H. Pickens, Esq. Joline R. Price, Esq. Robert Ballenger, Esq. Community Legal Services 1424 Chestnut Street Philadelphia, PA 19102 jpickens@clsphila.org jprice@clsphila.org rballenger@clsphila.org	Kenneth M. Kulak, Esq. Catherine G. Vasudevan, Esq. Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 Ken.kulak@morgnlewis.com Catherine.vasudevan@morganlewis.com

Respectfully submitted,



Elizabeth R. Marx, PA ID 309014
118 Locust Street
Harrisburg, PA 17101
emarxpulp@palegalaid.net
717-710-3825

Dated: July 28, 2020