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October 15, 2020

VIA eFILING

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

Re: Tenant Union Representative Network v. PECO Energy Company
Docket No. C-2020-3021557

Dear Secretary Chiavetta:

Enclosed for filing is the **Answer of PECO Energy Company to the Preliminary Objections of The Tenant Union Representative Network** (the “Answer”), in the above-referenced matter. As evidenced by the enclosed Certificate of Service, copies of the Answer have been served upon presiding Administrative Law Judge Mary D. Long and all parties of record.

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

Very truly yours,



Jennedy S. Johnson

Enclosures

c: Per Certificate of Service (w/encls.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TENANT UNION REPRESENTATIVE	:	
NETWORK	:	
	:	
v.	:	Docket No. C-2020-3021557
	:	
PECO ENERGY COMPANY	:	

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the **Answer of PECO Energy Company to the Preliminary Objections of The Tenant Union Representative Network** in the above-referenced proceeding on the following persons, in the manner specified below, in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL

Honorable Mary D. Long
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Dated: October 15, 2020

Counsel for PECO Energy Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**TENANT UNION REPRESENTATIVE
NETWORK**

DOCKET NO. C-2020-3021557

V.

PECO ENERGY COMPANY

**ANSWER OF PECO ENERGY COMPANY TO THE PRELIMINARY OBJECTIONS OF
THE TENANT UNION REPRESENTATIVE NETWORK**

Pursuant to 52 Pa. Code § 5.101(f), PECO Energy Company (“PECO” or the “Company”) hereby submits this Answer to the Preliminary Objections filed by the Tenant Union Representative Network (“TURN”) in the above-captioned docket. Consistent with §5.101(f)(2), the Company is responding in numbered paragraphs to correspond with the Preliminary Objections.

I. INTRODUCTION

1. The Company agrees that TURN’s Formal Complaint was dated August 25, 2020 and alleged that PECO is in violation of the Commission-approved settlement in the Company’s 2013-2015 Universal Service and Energy Conservation Plan proceeding¹ (the “Settlement”) and PECO’s currently-effective USECP.² PECO was served with TURN’s Formal Complaint on August 26, 2020.

2. PECO agrees with the statements made in Paragraph No. 2

¹ See *PECO Universal Service and Energy Conservation Plan for 2013-2015 Submitted in Compliance with 52 Pa. Code §§ 54.74 and 62.4*, Docket No. M-2012-2290911 (Order entered July 8, 2015).

² See *PECO Energy Company Universal Service and Energy Conservation Plan for 2016-2018 Submitted in Compliance with 52 Pa. Code §§ 54.74 and 62.4*, Docket No. M-2015-2507139 (Order entered Aug. 11, 2016). A number of revisions were made to the 2016-2018 USECP after its initial approval.

3. The language of 52 Pa. Code § 5.101(a)(2)-(3) speaks for itself. By way of further response, 52 Pa. Code § 5.101(e)(1) provides that: “If a preliminary objection regarding insufficient specificity in a pleading is filed, an answer is not required until further directed by the presiding officer or the Commission.”

4. The statements made in Paragraph No. 4 relate to TURN’s insufficient specificity objection and, therefore, pursuant to 52 Pa. Code § 5.101(e)(1), no answer is required.

5. Consistent with 52 Pa. Code § 5.61(b)(1), the Company’s Answer included numbered paragraphs which correspond to the numbered paragraphs in TURN’s Formal Complaint. There is no general prohibition on providing an introduction, without numbered paragraphs, as part of an answer.

II. PRELIMINARY OBJECTION I- FAILURE TO DENY USECP AND UNREASONABLE SERVICE VIOLATIONS

6. The Company’s answers to Paragraph Nos. 1 through 6 are hereby incorporated by reference.

7. – 19. The statements made in Paragraph Nos. 7 through 19 relate to TURN’s insufficient specificity objection and, therefore, pursuant to 52 Pa. Code § 5.101(e)(1), no answer is required.

III. PRELIMINARY OBJECTION II- FAILURE TO SATISFY PLEADING REQUIREMENTS

20. The Company’s answers to Paragraph Nos. 1 through 19 are hereby incorporated by reference.

21. The language of 52 Pa. Code § 5.61(b) speaks for itself.

22. The language of 52 Pa. Code § 5.62(b) speaks for itself.

23. As noted in the Company’s answer to Paragraph No. 5, consistent with 52 Pa. Code § 5.61(b)(1), the Company’s Answer included numbered paragraphs which correspond to the numbered paragraphs in TURN’s Formal Complaint. There is no general prohibition on providing an introduction, without numbered paragraphs, as part of an answer. The introduction to the Company’s Answer provided the Commission with appropriate context because the operation of the Customer Assistance Program Fixed Credit Option (“CAP FCO”) has been addressed in multiple dockets over the course of several years. Moreover, the introduction provides details about the Settlement, the operation of the CAP FCO, and the Company’s evaluation of the effectiveness of the CAP FCO. PECO further noted the issuance of the Commission’s revised CAP Policy Statement³ and filings made by both TURN and the Company in response to the Revised Policy Statement. The Company’s introductory statements did not prejudice TURN. Following the introduction, PECO’s Answer contained appropriately numbered paragraphs that clearly indicated what averments from the TURN Formal Complaint were being admitted or denied.

24. The Company’s answer to Paragraph No. 23 is hereby incorporated by reference. By way of further response, 52 Pa. Code § 5.62(b) does not require that all material factual statements be presented as “New Matter.”

25. For the reasons described in the Company’s answer to Paragraph No. 23, the Commission should not strike the entire introduction section from PECO’s Answer.

³ 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code § 69.261–69.267, Docket No. M-2019-3012599 (Order entered Nov. 5, 2019) (the “Revised Policy Statement”). The Revised Policy Statement became effective on March 21, 2020 upon publication in the *Pennsylvania Bulletin*. See 50 Pa. B. No. 12 at 1691-1695 (Mar. 21, 2020).

26. For the reasons described in the Company's answer to Paragraph No. 23, the Commission should not require PECO to submit an amended answer.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, PECO Energy Company denies that TURN is entitled to the relief requested and asks that TURN's Preliminary Objections at Docket No. C-2020-3021557 be dismissed.

Respectfully submitted,



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Dated: October 15, 2020

Counsel for PECO Energy Company

VERIFICATION

I, Richard G. Webster, Jr., hereby declare that I am the Vice President of Regulatory Policy and Strategy for PECO Energy Company; that, as such, I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief; and that I make this verification subject to the penalties of 18 Pa.C.S. § 4904 pertaining to false statements to authorities.

A handwritten signature in blue ink, appearing to read "R.G.W.", followed by a horizontal line.

Dated: October 15, 2020

Richard G. Webster, Jr.