


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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October 19, 2020

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

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

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Christy M. Appleby
Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAappleby@paoca.org

Enclosures:

cc: The Honorable Mary D. Long (**email only**)
Certificate of Service

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CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 19th day of October 2020.

SERVICE BY E-MAIL ONLY

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PECO Energy Company
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Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: October 19, 2020
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to the Prehearing Conference Order of Administrative Law Judge Mary D. Long issued on September 28, 2020, Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and in anticipation of the Prehearing Conference scheduled for Tuesday, October 20, 2020, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

On August 25, 2020, TURN filed a Formal Complaint regarding PECO’s compliance with the Joint Petition for Settlement in the matter of PECO Energy Company (PECO or Company) Universal Service and Energy Conservation Plan 2013-2015 at Docket No. M-2012-2290911 (Settlement). In its Formal Complaint, TURN argues that PECO is not in compliance with the Settlement because PECO did not change the energy burdens used to calculate its Fixed Credit Option (FCO) upon the issuance of the November 5, 2019 CAP Policy Statement Order at Docket No. M-2019-3012599. Formal Complaint at ¶¶ 73, 80-82. On September 14, 2020, the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene and Answer, and on September 15, 2020, PECO filed its Answer to TURN’s Formal

Complaint. On September 23, 2020, the Office of Consumer Advocate filed its Notice of Intervention and Public Statement.

On October 5, 2020, TURN filed Preliminary Objections to the Answer of PECO, and PECO filed its Answer on October 15, 2020.

On September 25, 2020, PECO filed a Motion to Stay the proceeding pending the Commission's determination on the Company's Petition to Amend the Company's Universal Service and Energy Conservation Plan (Petition to Amend) at Docket No. M-2018-3005795. PECO's Petition to Amend proposes to amend the Fixed Credit Option to utilize the energy burdens set forth in the Commission's CAP Policy Statement for the period that the CAP FCO is still in place. TURN filed its Answer in Opposition to the Motion to Stay on October 15, 2020.

ALJ Long was assigned to this proceeding. On September 28, 2020, ALJ Long issued her Prehearing Conference Order. The Prehearing Conference Order provided that an in-person Prehearing Conference would take place on October 20, 2020. The OCA submits this Prehearing Memorandum in accordance with the directives of ALJ Long's Prehearing Conference Order.

II. ISSUES AND SUB-ISSUES

In this proceeding, as a signatory to the Settlement, the OCA seeks to ensure that any changes to PECO's Customer Assistance Program (CAP) sought are consistent with the Settlement, Commission regulations, statutes and applicable case law and in the public interest.

III. WITNESSES

As may be necessary, the OCA will present the direct, rebuttal and surrebuttal testimonies of Roger Colton. Mr. Colton will present testimony in written form and may also attach various exhibits, documents, and explanatory information which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that

electronic copies of all interrogatories, testimony, and answers to interrogatories be e-mailed directly to Mr. Colton at the below e-mail address, as well as e-mailing a copy to counsel for the OCA. At this time, due to COVID-19, hard copies of filings are not necessary.

Roger D. Colton
Fisher, Sheehan & Colton
34 Warwick Road
Belmont, MA 02478
Phone: 617-484-0597
E-Mail: roger@fsconline.com

The OCA reserves the right to call additional witnesses, as necessary. If the OCA determines that an additional witness or witnesses will be necessary for any portion of its case, it will promptly notify all parties of record and the presiding officer.

IV. SERVICE ON THE OCA

The OCA will be represented in this case by Assistant Consumer Advocate Christy M. Appleby. Two copies of all documents should be served on the OCA as follows:

Christy M. Appleby
Assistant Consumer Advocate
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The OCA requests that any documents served electronically also be directed to the OCA's consultant, Roger Colton, at roger@fsconline.com

V. DISCOVERY

The OCA does not propose any discovery rule modifications at this time.

VI. SETTLEMENT

The OCA will participate fully in any settlement discussions in this proceeding.

VII. PROCEDURAL SCHEDULE

PECO has filed a Motion to Stay, and TURN opposes the Motion for Stay. The determination regarding the Motion to Stay will determine the need for a further procedural schedule at this time.

Respectfully Submitted,

/s/ Christy M. Appleby
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DATE: October 19, 2020
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