



November 9, 2020

*Via Efiling*

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

**Re: Tenant Union Representative Network (TURN) v. PECO Energy Company,  
Docket No. C-2020-3021557**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Answer of the Tenant Union Representative Network to the New Matter of PECO Energy Company in the above-referenced case.

Due to the ongoing COVID-19 pandemic, this Answer is being served via email as indicated on the attached Certificate of Service.

Sincerely,

Joline R. Price, Esquire  
Attorney ID No. 315405

*Enclosures*

Cc: Certificate of Service  
Administrative Law Judge Mary Long (via email to malong@pa.gov)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**Certificate of Service**

I hereby certify that I have this day served copies of the Answer of the Tenant Union Representative Network to the New Matter of PECO Energy Company, upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code §1.54 in the manner and upon the persons listed below.

**VIA ELECTRONIC MAIL**

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**ANSWER OF TENANT UNION REPRESENTATIVE NETWORK  
TO THE NEW MATTER OF PECO ENERGY COMPANY**

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Complainant, Tenant Union Representative Network (TURN), pursuant to 52 Pa. Code §5.63, submits this Answer to the New Matter filed by PECO Energy Company on October 19, 2020 in the above-captioned docket.

**Answer to New Matter**

1. Denied. While the Revised Policy Statement includes the quoted statement, the Commission did not require utilities to make filings to implement the policy changes, rather, it required filings “to indicate how [the utilities] intend to implement the policy changes.”<sup>1</sup> The Commission further required utilities to “indicate . . . any provisions with which they are *already compliant*.”<sup>2</sup> By way of further answer, no filing or addendum would be required for PECO to apply the revised energy burdens while it is operating its current Universal Service and Energy Conservation Plan (USECP)<sup>3</sup>, as PECO is already required to do so by the terms of the FCO Settlement<sup>4</sup> and its current USECP.
2. It is admitted that the Revised Policy Statement was published in the Pennsylvania

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<sup>1</sup> See 2019 Amendments to CAP Policy Statement, Docket No. M-2019-3012599, Final Policy Statement and Order, at 106 (order entered Nov. 5, 2019) (hereinafter November 5th Order).

<sup>2</sup> *Id.* (emphasis added).

<sup>3</sup> See PECO Energy Company Universal Service and Energy Conservation Plan 2016-2018, Docket No. M-2015-2507139 (hereinafter “current USECP”).

<sup>4</sup> See PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015, Joint Petition for Settlement, Docket No. M-2012-2290911 (March 20, 2015) (hereinafter “FCO Settlement”).

Bulletin in March 2020, and that PECO's March 26, 2020 letter includes the quoted language.<sup>5</sup> Denied to the extent PECO is implying that the aforementioned letter addressed PECO's responsibility to reduce energy burdens in its current CAP structure under the Commission-approved settlement in the Company's 2013-2015 Universal Service and Energy Conservation Plan proceeding, creating the Fixed Credit Option (FCO) ("FCO Settlement"). On its face, PECO's letter addresses the issues raised in the APPRISE report about the structure and function of the FCO itself, rather than PECO's legal obligation to utilize the energy burdens in the CAP Policy Statement in the operation of its CAP FCO.

3. Admitted in part, denied in part. TURN admits that PECO held a series of calls with stakeholders in April and May, including counsel for TURN, and that a transition to a PIPP from an FCO was a subject discussed at those meetings. It is further admitted that PECO filed a letter with the Commission on June 30, 2020. TURN is without sufficient information to form a belief as to PECO's intentions, and so that statement is denied.
4. Admitted that PECO made such filing. It is denied that PECO's filing comprehensively addresses affordability issues. By way of further answer, the Company's PIPP proposal in its proposed USECP does not in any way address the relief sought in the instant complaint.
5. Denied. TURN lacks sufficient knowledge or information to form a belief as to the increase in cost PECO estimates.
6. Admitted in part, denied in part. It is admitted that PECO made a filing to implement the

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<sup>5</sup> Counsel for TURN received a copy of the referenced letter by email on March 26, 2020. However, as of the date of filing of this answer, counsel for TURN has not been able to locate the letter at any of the relevant PECO USECP dockets.

new Energy Burdens. That such filing was necessary or proper due to the Company significantly exceeding the CAP budget laid out in its USECP is a legal conclusion that needs no further answer.

7. Denied. As detailed in TURN's Complaint in this proceeding, PECO has yet to comply with the terms of the FCO settlement. By way of further answer, PECO's argument that requesting Commission approval of its comprehensive CAP proposal in its amended proposed 2019-2024 USECP is compliant with the clear terms of the settlement is a legal argument that needs no further answer.
8. Admitted that TURN, along with the Action Alliance of Senior Citizens of Greater Philadelphia, filed the referenced Answer. The language of that Answer speaks for itself. By way of further answer, paragraph 35 of TURN *et al.*'s Answer specifically addresses the operation of the FCO under PECO's proposed USECP, and is not relevant to PECO's operation of the CAP FCO in its current USECP, which is the subject matter of this complaint.
9. Admitted in part, denied in part. Admitted that PECO filed the referenced Petition. The language of the Petition speaks for itself. By way of further Answer, while PECO asserted in that petition that it was intended to address both its currently active USECP and its proposed USECP, that Petition was filed at the docket for PECO's proposed USECP. In addition, TURN does not have information or knowledge to form a belief as to whether PECO is prepared to utilize the revised energy burdens beginning with bills issued in the first full billing cycle after Commission approval.
10. Denied. TURN lacks sufficient knowledge or information to form a belief as to the increase in cost PECO estimates.

WHEREFORE, for the reasons set forth above and in its initial complaint, TURN requests the following relief:

- A. Find that PECO violated the terms of the Commission approved Settlement at Docket Number M-2012-2290911.
- B. Find that PECO violated its USECP at Docket Number M-2015-2507139.
- C. Find that PECO's violation(s) of its USECP constitute unreasonable service in violation of 66 Pa. C.S. §1501.
- D. Order PECO to implement the energy burdens in the Commission's CAP Policy Statement as required by the Settlement and PECO's USECP.
- E. Order PECO to retroactively calculate CAP Credits for all CAP customers back to the date the Commission approved the new energy burdens, and provide bill credits to CAP customers or reduce past-due balances as appropriate.
- F. Order PECO to provide retroactive arrearage forgiveness for all partial payments that would have satisfied full payment under the revised bills.
- G. Require PECO to make any necessary filing with the Commission to effectuate the implementation of the energy burdens in the Commission's CAP Policy Statement and the relief requested herein.
- H. Fine PECO for its willful violation of a Commission approved Settlement.
- I. Grant any other such relief as is just and appropriate.

Respectfully submitted,



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VERIFICATION

I, Joline Price, hereby state that the facts set forth above in the Answer of the Tenant Union Representative Network to the New Matter of PECO Energy Company, are true and correct 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).



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Dated: November 9, 2020