



COMMONWEALTH OF PENNSYLVANIA

January 7, 2021

**E-FILED**

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

**Re: Petition of PECO Energy Company for Approval of Its Act 129 Phase IV Energy Efficiency and Conservation Plan / Docket No. M-2020-3020830**

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding. I respectfully request that a copy of any documents filed in this case also be shared with our witness at the address below:

Robert D. Knecht  
Industrial Economics, Inc.  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
[rdk@indecon.com](mailto:rdk@indecon.com)

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

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

Sincerely,

/s/ Steven C. Gray

Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Attorney I.D. No. 77538

*Enclosures*

cc: Parties of Record  
Robert D. Knecht

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Petition of PECO Energy Company for</b>	:	
<b>Approval of Its Act 129 Phase IV Energy</b>	:	<b>Docket No. M-2020-3020830</b>
<b>Efficiency and Conservation Plan</b>	:	
	:	

**PREHEARING MEMORANDUM  
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

**I. INTRODUCTION**

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to these proceedings. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in this matter as follows:

Steven C. Gray, Esq.  
Senior Supervising  
Assistant Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[sgray@pa.gov](mailto:sgray@pa.gov)

## **II. FILING BACKGROUND**

On November 30, 2020, PECO Energy Company (“PECO” or the “Company”) filed a Petition for Approval of its Act 129 Phase IV Energy Efficiency and Conservation (“EE&C”) Plan (“*Petition*”) with the Commission.

The Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention on December 21, 2020.

## **III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES**

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Robert D. Knecht  
Industrial Economics Incorporated  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
(617) 354-0074  
(617) 354-0463 (Fax)  
RDK@indecon.com

The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

After an initial review of the materials submitted by PECO, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the EE&C programs for small businesses are cost effective;
2. Whether the overall EE&C budget is reasonably balanced between residential, commercial and industrial rate classes;
3. Whether the proposed spending within the commercial class is reasonably balanced between business and non-business (e.g., multi-family homes, GNI entities) customers;

and

4. Whether the proposed incentive levels for commercial programs represent a reasonable balance between the need to encourage customer participation in the program and the equity considerations of requiring cross-subsidies from non-participating customers.

The OSBA reserves the right to pursue additional issues that may arise throughout the limited number of days provided in this proceeding.

#### **IV. SERVICE OF DOCUMENTS**

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date<sup>1</sup> as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

#### **V. DISCOVERY**

In order to investigate and develop a record on the issues presented by the *Petition*, and in light of the hyper-expedited procedural schedule, the OSBA requests modifications to the Commission's procedural rules, as follows:

1. Answers to written interrogatories shall be served in-hand within two (2) business days.
2. Objections to interrogatories shall be communicated via email within three (3) hours of the timestamp on the originating party's email message. Unresolved objections shall be served upon the ALJ within one (1) business day of service of the interrogatories.

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<sup>1</sup> In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

3. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within one (1) calendar day of service of such motions.

4. Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within one (1) calendar day of service of such motions.

5. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within two (2) business days of service.

6. Requests for admission will be deemed admitted unless answered within two (2) business days or objected to within two (2) business days of service.

7. Answers to on-the-record data requests shall be served within three (3) calendar days of the requests.

8. Interrogatories served after 3:00 pm Eastern Time on Friday, or after 3:00 pm Eastern Time on the day before a holiday, will be due as if served the following business day.

## **VI. SETTLEMENT**

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

**VII. HEARING AND BRIEFING SCHEDULE**

At the time of this writing, the parties are discussing how to handle the extremely expedited procedural schedule required in this case. No resolution has yet been reached.

Respectfully submitted,

/s/ Steven C. Gray

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Steven C. Gray, Esq.  
Senior Supervising  
Assistant Small Business Advocate  
Attorney ID No. 77538

Office of Small Business Advocate  
555 Walnut Street  
Forum Place 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: January 7, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for  
Approval of Its Act 129 Phase IV Energy  
Efficiency and Conservation Plan**

:  
: **Docket No. M-2020-3020830**  
:  
:

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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/s/ Steven C. Gray

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Steven C. Gray  
Senior Supervising  
Assistant Small Business Advocate  
Attorney I.D. No. 77538

DATE: January 7, 2021