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January 7, 2021

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

**VIA ELECTRONIC FILING**

**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:

Attached for filing with the Pennsylvania Public Utility Commission is the Petition to Intervene of the Philadelphia Area Industrial Energy Users Group ("PAIEUG") in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to these proceedings are being duly served via email only due to the current COVID-19 pandemic. Upon lifting of the aforementioned Emergency Order, we can provide parties with a hard copy.

Sincerely,

McNEES WALLACE & NURICK LLC

By 

Charis Mincavage

Counsel to the Philadelphia Area Industrial Energy Users Group

Enclosure

c: Deputy Chief Administrative Law Judge Mark A. Hoyer (via E-mail)  
Administrative Law Judge Emily DeVoe (via E-mail)  
Certificate of Service

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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

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Chris Mincavage

Counsel to the Philadelphia Area Industrial Energy  
Users Group

Dated this 7<sup>th</sup> day of January, 2021, at Harrisburg, Pennsylvania

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :  
For Approval of its Act 129 Phase IV : Docket No. M-2020-3020830  
Energy Efficiency and Conservation Plan :

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**PETITION TO INTERVENE  
OF THE PHILADELPHIA AREA INDUSTRIAL  
ENERGY USERS GROUP**

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TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Sections 5.71 through 5.74 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, 52 Pa. Code §§ 5.71-5.74, the Philadelphia Area Industrial Energy Users Group ("PAIEUG") hereby files this Petition to Intervene in response to the above-captioned filing of PECO Energy Company ("PECO" or "Company").

On November 30, 2020, PECO petitioned the Commission for approval of the Company's Phase IV Energy Efficiency & Conservation ("EE&C") Plan ("Phase IV Plan"). PECO's Petition for Approval of its Phase IV Plan ("Petition") outlines PECO's proposal to address the requirements of Act 129 and the PUC's Phase IV Implementation Order entered on June 18, 2020, at Docket No. M-2020-3015228 ("Implementation Order"). *See* Petition, p. 1.

According to PECO, the Company employed a market-based approach in order to design Phase IV programs that will satisfy PECO's Phase IV energy savings and peak demand reduction targets. *See id.* at 2. PECO proposes to recover costs through a non-bypassable charge Phase IV Energy & Conservation Program Charge ("Phase IV EEPC"). *See id.* at 12. As a result, PECO's Phase IV Plan costs and program measures may impact the rates and services of PECO's largest customers. It is therefore imperative that PECO implement its Phase IV EE&C Plan in a just and

reasonable manner, consistent with Act 129, the Implementation Order, and all applicable statutes and regulations.

In support of its Petition to Intervene, PAIEUG asserts the following:

1. PAIEUG is an *ad hoc* group of energy-intensive customers receiving electric service from PECO under Rate HT. PAIEUG members consume substantial amounts of electricity in their manufacturing and operational processes, and these electric costs are a significant element of their respective costs of operation. Any modification to PECO's electric rates may impact PAIEUG members' cost of operations.

2. The names and address of PAIEUG's attorneys are:

Charis Mincavage (I.D. No. 82039)  
Adeolu A. Bakare (I.D. No. 208541)  
Jo-Anne Thompson (Pa. I.D. No. 325956)  
McNEES WALLACE & NURICK LLC  
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P.O. Box 1166  
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3. For purposes of this proceeding, PAIEUG includes the members listed in Appendix A hereto. As necessary, PAIEUG will update Appendix A during the course of this proceeding, as needed, to reflect any changes in its membership.

4. PAIEUG members are concerned with issues regarding the terms and conditions of their electricity service, and, as a result, have been actively involved in numerous PECO proceedings, including fully participating in the adjudication of PECO's Phase I EE&C Plan, PECO's Phase II EE&C Plan, PECO Phase III EE&C Plan, and regularly attending PECO's EE&C Plan stakeholder meetings. The Commission's final disposition of PECO's Phase IV Plan may also directly affect the rates that the Company imposes on PAIEUG members for service.

5. PAIEUG members thus have an interest in this proceeding that is not represented by any other party of record; consequently, PAIEUG satisfies the standards for intervention under Section 5.72 of the Commission's Regulations, 52 Pa. Code § 5.72.

**WHEREFORE**, the Philadelphia Area Industrial Energy Users Group respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene, provide PAIEUG with full-party status in this proceeding, and allow such other relief as it deems necessary.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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Adeolu A. Bakare (I.D. No. 208541)  
Jo-Anne Thompson (Pa. I.D. No. 325956)  
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Counsel to the Philadelphia Area Industrial  
Energy Users Group

Dated: January 7, 2021

**APPENDIX A**

**PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP**

Air Liquide America L.P.  
Boeing Company, The  
Drexel University  
Einstein Healthcare Network  
GlaxoSmithKline  
Kimberly-Clark Corporation  
Main Line Health System  
Merck & Co., Inc.  
Philadelphia College of Osteopathic Medicine  
Saint Joseph's University  
Temple University  
Thomas Jefferson University  
Villanova University

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA     )  
   )     ss:  
COUNTY OF DAUPHIN                         )

CHARIS MINCVAGE, being duly sworn according to law, deposes and says that she is Counsel to the Philadelphia Area Industrial Energy Users Group, and that in this capacity she is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of her knowledge, information, and belief.



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Charis Mincavage

January 7, 2021