



February 10, 2021

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 Joint Motion to Admit Written Testimony and Exhibits into the Formal Evidentiary Record and Joint Stipulation for Admission of Testimony in the above-referenced case.

Due to the ongoing COVID-19 pandemic, this Motion and Stipulation are 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 **Joint Motion to Admit Written Testimony and Exhibits into the Formal Evidentiary Record and Joint Stipulation for Admission of Testimony** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code §1.54 and consistent with the Commission's March 20 Emergency Order at Docket M-2020-3019262.

VIA ELECTRONIC MAIL

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February 10, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**JOINT MOTION TO ADMIT WRITTEN TESTIMONY AND EXHIBITS INTO THE
FORMAL EVIDENTIARY RECORD**

AND NOW comes the Tenant Union Representative Network (TURN), PECO Energy Company, Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Office of Consumer Advocate (OCA) (collectively referred to as the Parties), and hereby file the following Joint Motion to Admit Written Testimony and Exhibits into the Formal Evidentiary Record, as part of the above-referenced matter, pursuant to the provisions set forth in 52 Pa. Code § 5.103, and in support thereof aver as follows:

Admission of Pre-served Written Testimony and Accompanying Exhibits

1. An administrative hearing was set for February 9, 2021, in the above referenced matter, to establish the record in the Complaint of TURN against PECO Energy Company.
2. In anticipation of the administrative hearing, TURN submitted the following pre-served written testimony:
 - a. TURN Statement No. 1, the direct testimony of Philip A. Bertocci and accompanying exhibits A, B and C;
 - b. TURN Statement No. 2, the direct testimony of Philip M. Lord and accompanying exhibits A, B, and C;
 - c. TURN Statement No. 1-SR, the surrebuttal testimony of Philip A. Bertocci,

and accompanying appendix A;

3. In anticipation of the administrative hearing, PECO submitted the following pre-served written testimony:

a. PECO Statement No. 1-R, the rebuttal testimony of Mark Kehl and accompanying exhibits MK-1, MK-2, and MK-3;

b. PECO Statement No. 1-RJ, the rejoinder testimony of Mark Kehl, and accompanying exhibit MK-1RJ.

4. In anticipation of the administrative hearing, CAUSE-PA submitted the following pre-served written testimony:

a. CAUSE-PA Statement No. 1-SR, the surrebuttal testimony of Harry Geller and accompanying appendix A;

5. In anticipation of the administrative hearing, OCA submitted the following pre-served written testimony:

a. OCA Statement No. 1-R, the rebuttal testimony of Roger Colton, and accompanying appendix A;

6. By email on February 4, 2021, the Parties notified Administrative Law Judge Mary Long that all Parties had mutually agreed to waive cross examination of opposing witnesses and raise evidentiary objections to the pre-served written testimony.

7. In connection with the present Motion, the Parties have entered into a Joint Stipulation waiving the right to cross examine opposing witnesses and raise evidentiary objections. A true and correct copy of the Joint Stipulation is attached hereto as Exhibit "A."

8. The Joint Stipulation is being filed contemporaneously with the present Motion.

9. The Parties have obtained verifications from the aforementioned witnesses, in which the witnesses have verified that their Statements and accompanying exhibits are true and correct to the best of their information, knowledge, and belief under penalty of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authority. True and correct copies of the witness verifications have been attached hereto as Exhibits "B" through "E".
10. The Parties respectfully request that the Commission admit the aforementioned pre-served written testimony and all accompanying exhibits and appendices into the formal evidentiary record as evidence in the present matter thus avoiding an unnecessary administrative hearing.

WHEREFORE, TURN, PECO Energy Company, CAUSE-PA and the OCA respectfully request that the Commission grant the present Motion and admit the aforementioned pre-served written testimony, accompanying exhibits and appendices, and stipulations into the formal evidentiary record as evidence in the present matter.



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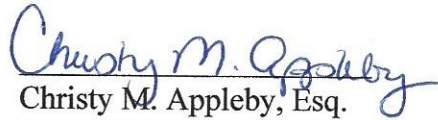
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Handwritten signature of Christy M. Appleby in blue ink.

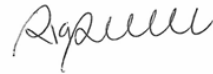
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Exhibit A: Joint Stipulation for Admission of Testimony

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Joint Stipulation for Admission of Testimony and Exhibits

The undersigned, being all of the parties to this proceeding: (1) stipulate the authenticity of the statements, exhibits and appendices listed in Attachment 1 to this Stipulation (the “Listed Statements and Exhibits”), which were previously served upon all parties in this proceeding and upon presiding Administrative Law Judge Mary Long; (2) acknowledge and agree that they waive cross-examination of the witnesses whose testimony is included in the Listed Statements and Exhibits; and (3) further stipulate that the Listed Statements and Exhibits should be admitted into the record in this case.

Stipulated and agreed this 10th day of February, 2021.



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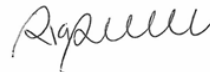

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Listed Statements and Exhibits

- 1) TURN Statement No. 1, the direct testimony of Philip A. Bertocci and accompanying exhibits A, B and C;
- 2) TURN Statement No. 2, the direct testimony of Philip M. Lord and accompanying exhibits A, B, and C;
- 3) PECO Statement No. 1-R, the rebuttal testimony of Mark Kehl and accompanying exhibits MK-1, MK-2, and MK-3;
- 4) OCA Statement No. 1-R, the rebuttal testimony of Roger Colton, and accompanying appendix A;
- 5) TURN Statement No. 1-SR, the surrebuttal testimony of Philip A. Bertocci, and accompanying appendix A;
- 6) CAUSE-PA Statement No. 1-SR, the surrebuttal testimony of Harry Geller and accompanying appendix A;
- 7) PECO Statement No. 1-RJ, the rejoinder testimony of Mark Kehl, and accompanying exhibit MK-1RJ.

Exhibit B:

Verifications of TURN Witness Philip A. Bertocci and TURN
Witness Philip M. Lord

VERIFICATION

I, **Philip A. Bertocci**, witness of Tenant Union Representative Network, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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).



Date: December 10, 2020

Philip A. Bertocci, witness of TURN

VERIFICATION

I, **Philip M. Lord**, witness of Tenant Union Representative Network, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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).



Date: December 10, 2020

Philip M. Lord

TURN Executive Director

VERIFICATION

I, **Philip A. Bertocci**, witness of Tenant Union Representative Network, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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).



Date: January 21, 2021

Philip A. Bertocci, witness of TURN

Exhibit C:

Verification of PECO Witness Mark Kehl

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**TENANT UNION REPRESENTATIVE
NETWORK**

v.

PECO ENERGY COMPANY -

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:
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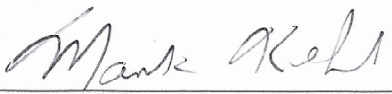
DOCKET NO. C-2020-3021557

VERIFICATION

I, Mark Kehl, hereby state that I am a Manager of Universal Services for PECO; that I am authorized to and do make this Verification; and that the facts set forth in the pre-marked statement and exhibits listed below are true and correct to the best of my knowledge, information and belief 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.

- PECO Statement No. 1-R
- PECO Exhibit MK -1
- PECO Exhibit MK -2
- PECO Exhibit MK -3
- PECO Statement No. 1-RJ
- PECO Exhibit MK-1RJ

Dated: 2/8, 2021



Mark Kehl

Exhibit D:

Verification of OCA Witness Roger Colton

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION


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

VERIFICATION

I, Roger D. Colton, hereby state that the facts set forth in my Direct Testimony, OCA Statement 1, are true and correct (or are true and correct to the best of my knowledge, information, and belief) 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).

DATED: January 7, 2021
*301982

Signature:



Roger D. Colton

Consultant Address: Fisher, Sheehan, & Colton
34 Warwick Road
Belmont, MA 02478

Exhibit E:

Verification of CAUSE-PA Witness Harry S. Geller

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

VERIFICATION

I, Harry Geller, verify that the following testimony was prepared by me or under my direct supervision, and is true and correct to the best of my knowledge, information, and belief:

- Surrebuttal Testimony of Harry Geller on Behalf of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (**CAUSE-PA Statement 1-SR**) & Appendix A, Resume of Harry Geller.

I understand that statements made herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).



Harry Geller, Esq.
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hgellerpulp@palegalaid.net

Date: February 2, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

PROPOSED ORDERING PARAGRAPHS

IT IS ORDERED:

1. The Joint Motion to Admit Written Testimony and Exhibits into the Formal Evidentiary Record is hereby granted.
2. The following pre-served written testimony statements, accompanying exhibits and appendices, and respective executed verifications are hereby admitted into the formal evidentiary record as evidence:
 - a. TURN Statement No. 1, the direct testimony of Philip A. Bertocci and accompanying exhibits A, B and C;
 - b. TURN Statement No. 2, the direct testimony of Philip M. Lord and accompanying exhibits A, B, and C;
 - c. PECO Statement No. 1-R, the rebuttal testimony of Mark Kehl and accompanying exhibits MK-1, MK-2, and MK-3;
 - d. OCA Statement No. 1-R, the rebuttal testimony of Roger Colton, and accompanying appendix A;
 - e. TURN Statement No. 1-SR, the surrebuttal testimony of Philip A. Bertocci, and accompanying appendix A;
 - f. CAUSE-PA Statement No. 1-SR, the surrebuttal testimony of Harry Geller and accompanying appendix A;

g. PECO Statement No. 1-RJ, the rejoinder testimony of Mark Kehl, and accompanying exhibit MK-1RJ.

3. For purposes of the electronic submission of pre-served testimony, as required by 52 Pa. Code § 5.412a, the date of the "final hearing" shall be considered the date of this Order.

4. The briefing schedule remains as set forth in the October 22, 2020 Prehearing Order.

Date: _____

Mary D. Long
Administrative Law Judge