



COMMONWEALTH OF PENNSYLVANIA

May 10, 2021

**E-FILED**

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

**Re: Pennsylvania Public Utility Commission v. PECO Energy Company-Electric  
Division / Docket No. R-2021-3024601**

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.

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/ Erin K. Fure

Erin K. Fure  
Assistant Small Business Advocate  
Attorney ID No. 312245

*Enclosures*

cc: Parties of Record  
Brian Kalcic

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
v.	:	<b>Docket Nos. R-2021-3024601</b>
	:	
<b>PECO Energy Company-Electric Division</b>	:	
	:	

---

**OFFICE OF SMALL BUSINESS ADVOCATE  
PREHEARING MEMORANDUM**

---

**I. INTRODUCTION**

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers 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 this proceeding.

Representing the OSBA in this matter is Assistant Small Business Advocate Erin K. Fure.

Please address all correspondence as follows:

Erin K. Fure  
Assistant Small Business Advocate  
Office of Small Business Advocate  
555Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[efure@pa.gov](mailto:efure@pa.gov)

## **II. FILING BACKGROUND**

On March 30, 2021, PECO Energy Company (“PECO” or the “Company”) filed Tariff Electric—Pa. P.U.C. No. 7 (“Tariff No. 7”) to become effective on May 29, 2021. PECO’s proposed Tariff No. 7 seeks approval for rates designed to produce an annual revenue increase of approximately \$246 million.

The OSBA filed a Notice of Appearance and Complaint on April 6, 2021. The OSBA’s Complaint was docketed at C-2021-3025083.

On April 7, 2021, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance.

On April 12, 2021, a Petition to Intervene and Answer was filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”).

The Office of Consumer Advocate (“OCA”) filed Notices of Appearance and a Complaint on April 13, 2021.

On April 22, 2021, a Petition to Intervene was filed by the Tenant Union Representative Network (“TURN”).

On May 3, 2021, the Philadelphia Area Industrial Energy Users Group (“PAIEUG”) filed a Complaint.

By Order entered May 6, 2021, the proposed Tariff No. 7 was suspended by operation of law until December 29, 2021. The Commission ordered an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Tariff No. 7.

On May 6, 2021, a Notice was issued that a telephonic pre-hearing conference was scheduled for May 11, 2021 at 10:00 a.m. before Administrative Law Judge (“ALJ”) Marta Guhl. ALJ Guhl issued a Prehearing Conference Order on May 6, 2021.

On May 10, 2021, a Petition to Intervene was filed by the Clean Energy Advocates.

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

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

Brian Kalcic  
Excel Consulting  
225 S. Meramec Avenue, Suite 720  
St. Louis, MO 63105  
(314) 725-2511  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)

After an initial review of the materials submitted by the Company, the OSBA has identified the following issues:

1. Whether PECO’s proposed electric base rate changes accurately implement the Company’s requested increase in its base rate revenue requirement;
2. Whether PECO has accurately noticed its customers of proposed electric rate changes;
3. Whether the Company’s class cost-of-service study methodology is appropriate, and comports with Commission precedent;
4. Whether the Company’s proposed class revenue allocation would move all rate classes closer to their respective cost-based revenue levels;
5. Whether PECO’s proposed rate design for Rate GS – General Service is cost based;
6. Whether PECO’s proposed pilot incentive programs for electric vehicle (“EV”) charging (“EV Charging Pilot”) are reasonable and appropriate; and

7. Whether the Company's proposed Small Business Relief Program is reasonable and appropriate.

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

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through discovery, through the cross-examination of witnesses appearing for those parties, through the filing of testimony, and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the Company's small business consumers would be unjustifiably different than, or disproportionate to, the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness. The OSBA reserves the right to pursue additional issues as they arise throughout the 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. The OSBA requests that electronic copies be provided to its witness identified above. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witnesses identified above.

---

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

**V. DISCOVERY**

The OSBA does not propose any discovery modifications in this proceeding but will work with the parties to develop any mutually agreeable discovery modifications.

**VI. SETTLEMENT**

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

**VII. HEARING AND BRIEFING SCHEDULE**

The OSBA will cooperate with the other parties to develop a procedural schedule.

Respectfully submitted,

/s/ Erin K. Fure

---

Erin K. Fure  
Assistant Small Business Advocate  
Attorney ID No. 312245

Office of Small Business Advocate  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101

Dated: May 10, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
v.	:	<b>Docket Nos. R-2021-3024601</b>
	:	
<b>PECO Energy Company-Electric Division</b>	:	

**CERTIFICATE OF SERVICE**

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

Administrative Law Judge  
Marta Guhl  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
[mguhl@pa.gov](mailto:mguhl@pa.gov)

Phillip D. Demanchick  
Christy M. Appleby  
Luis M. Melendez  
Laura J. Antinucci  
Barrett C. Sheridan  
Aron J. Beatty  
Office of Consumer Advocate  
555 Walnut Street 5 th Floor, Forum Place  
Harrisburg, PA 17101-1923  
[pdemanchick@paoca.org](mailto:pdemanchick@paoca.org)  
[cappleby@paoca.org](mailto:cappleby@paoca.org)  
[lmelendez@paoca.org](mailto:lmelendez@paoca.org)  
[lantinucci@paoca.org](mailto:lantinucci@paoca.org)  
[bsheridan@paoca.org](mailto:bsheridan@paoca.org)  
[abeatty@paoca.org](mailto:abeatty@paoca.org)  
(*Counsel for OCA*)

Charis Mincavage Esquire  
Mcnees Wallace & Nurick  
100 Pine Street, PO Box 1166  
Harrisburg Pa 17108  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)

Carrie B. Wright  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building 400  
North Street Harrisburg, PA 17120  
[carwright@pa.gov](mailto:carwright@pa.gov)  
(*Counsel for BIE*)

Jack R. Garfinkle  
Jennedy S. Johnson  
PECO Energy Company  
2301 Maret Street  
P.O. Box 8699  
Philadelphia, PA 19101  
[jack.garfinkle@exeloncorp.com](mailto:jack.garfinkle@exeloncorp.com)  
[jennedy.johnson@exeloncorp.com](mailto:jennedy.johnson@exeloncorp.com)

Kenneth M. Kulak  
Catherine G. Vasudevan  
Brooke E. McGlinn  
Mark A. Lazaroff  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
[ken.kulak@morganlewis.com](mailto:ken.kulak@morganlewis.com)  
[catherine.vasudevan@morganlewis.com](mailto:catherine.vasudevan@morganlewis.com)  
[brooke.mcglinn@morganlewis.com](mailto:brooke.mcglinn@morganlewis.com)  
[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)  
(*Counsel for PECO Energy Company*)

Joline R. Price, Esq.  
Josie B.H. Pickens, Esq.  
Kintéshia S. Scott, Esq.  
Robert W. Ballenger, Esq.  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
[jpickens@clsphila.org](mailto:jpickens@clsphila.org)  
[kscott@clsphila.org](mailto:kscott@clsphila.org)  
[jprice@clsphila.org](mailto:jprice@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

Devin McDougall  
PA Attorney ID No. 329855  
Earthjustice  
1617 John F. Kennedy Blvd., Suite 1130  
Philadelphia, PA 19103  
[dmcDougall@earthjustice.org](mailto:dmcDougall@earthjustice.org)  
*(Counsel for Clean Energy Advocates)*

Elizabeth R. Marx  
John W. Sweet  
Ria M. Pereira  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)  
*(Counsel for CAUSE-PA)*

DATE: May 10, 2021

/s/ Erin K. Fure

---

Erin K. Fure  
Assistant Small Business Advocate  
Attorney ID No. 312245