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June 8, 2021

VIA eFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement
v. PECO Energy Company
Docket No. M-2021-3014286**

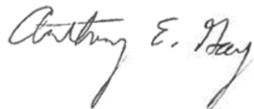
Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced matter is the **Joint Petition For Leave to Withdraw Settlement (“Joint Petition”)** of the Bureau of Investigation and Enforcement and PECO Energy Company.

This Joint Petition is being served as shown on the attached Certificate of Service.

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

Very truly yours,



Anthony E. Gay

Enclosures

c: Per Certificate of Service (w/encls.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND	:	
ENFORCEMENT	:	DOCKET NO. M-2021-3014286
	:	
v.	:	
	:	
PECO ENERGY COMPANY	:	

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the **Joint Petition to Withdraw Settlement** on the persons listed below, in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL

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Dated: June 8, 2021

Counsel for PECO Energy Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION,	:	
BUREAU OF INVESTIGATION AND	:	
ENFORCEMENT	:	DOCKET NO. M-2021-3014286
	:	
V.	:	
	:	
PECO ENERGY COMPANY	:	

JOINT PETITION FOR LEAVE TO WITHDRAW SETTLEMENT

Pursuant to 52 Pa. Code §§ 5.41 and 1.82, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“the Commission”) and PECO Energy Company (“PECO” or the “Company”) hereby petition the Commission for leave to withdraw the Joint Petition for Approval of Settlement (the “Settlement”) in the above-referenced docket. In support of this Petition, I&E and PECO state as follows:

1. This proceeding arises from I&E’s informal investigation into computer programming errors by a PECO third-party call center vendor that ultimately led to electric service terminations of approximately 49,500 PECO customers that did not comply with all Commission termination notice requirements. On February 12, 2021, the Company and I&E filed the Settlement at the above-captioned docket to address the issues identified in the informal investigation.

2. The Settlement summarized I&E’s investigation, including the nature of the vendor computer errors, the resulting alleged violations of the Public Utility Code, the actions PECO took to correct the errors and reconnect customers, and new procedures that PECO has implemented to safeguard against future termination issues. The Settlement also provided for civil penalties that PECO would pay upon approval of the Settlement.

3. On May 6, 2021, the Commission entered an Opinion and Order (“the May 2021 Order”) requesting interested parties to file comments on the Settlement. Notice of the Settlement and opportunity to file comments with the Commission was also published in the *Pennsylvania Bulletin* on May 21, 2021.

4. Following the May 2021 Order, Company counsel advised I&E of additional data that was discovered regarding the reconnection of PECO customers who did not receive proper notices of termination. In light of that data, both PECO and I&E determined that certain provisions of the Settlement require revision. PECO and I&E believe that the as-filed Settlement should be withdrawn to permit additional negotiation of those revisions.

5. There is no other party to this proceeding and the Settlement is uncontested at this time. A Petition to Intervene has been filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), which PECO and I&E will oppose given the nature of this informal investigation and the opportunities the Commission has already provided for public comment. Because both PECO and I&E support withdrawal of the Settlement, the Commission should dismiss CAUSE-PA’s petition as moot.

6. I&E and PECO have commenced good-faith negotiations of amendments to the Settlement. While both parties are optimistic that a new agreement will be reached, both parties believe that the current docket should be closed upon approval of the withdrawal of the Settlement that gave rise to this proceeding. The parties agree that closure of the current docket due to the withdrawal of the Settlement does not impact any potential claim that could be raised by PECO regarding the statute of limitations pursuant to 66 Pa.C.S. § 3314, as I&E duly

preserved the claims raised in the instant matter by timely concluding its investigation and filing a Settlement and the Settlement is only being withdrawn to consider newly discovered evidence.

Based upon the foregoing, I&E and PECO respectfully request that the Commission grant this Petition, approve the withdrawal of the Settlement, and mark this docket closed.

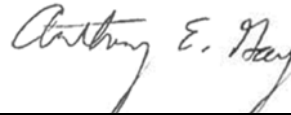
Respectfully submitted,



Christopher M. Andreoli
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Date: June 8, 2021

Respectfully submitted,



Anthony E. Gay
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Date: June 8, 2021

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