



June 16, 2021

*Via Electronic Filing*

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

**Re: Pa. PUC, Bureau of Investigation and Enforcement v. PECO Energy Company,  
Docket No. M-2021-3014286**

*Comments of CAUSE-PA*

Dear Secretary Chiavetta,

The Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA), through its attorneys at the Pennsylvania Utility Law Project, respectfully submits the following brief comments regarding the proposed settlement between the Pennsylvania Public Utility Commission (Commission)'s Bureau of Investigation and Enforcement (I&E) and PECO Energy Company (PECO) (herein, Proposed Settlement).<sup>1</sup>

The Proposed Settlement seeks to resolve allegations regarding PECO's unlawful termination of approximately 49,500 residential consumers over a period of more than 15-months, from June 2018 through September 2019, wherein PECO failed to provide required notice of termination three days (72 hours) prior to termination and/or provided inaccurate information regarding the scheduled date of a pending termination. More than 1,500 households in PECO's

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<sup>1</sup> These Comments are being filed pursuant to the Commission's May 7, 2021 Opinion and Order, which indicated that interested parties may file comments no later than twenty (25) days after the date of its publication in the Pennsylvania Bulletin. See 51 Pa.B. 2902.

service territory are still without service following the unlawful termination – nearly two years after the erroneous terminations were first discovered.

PECO’s failure to provide legally required notice before terminating residential consumers for nonpayment violated multiple provisions of the Public Utility Code and the Commission’s regulations,<sup>2</sup> and may have resulted in serious, substantial, and far-reaching negative impacts to the health, safety, and stability of tens of thousands of PECO’s residential customers. Involuntary termination of electric service to a home can have both short and long term economic and health impacts on a household that can exacerbate food insecurity, interrupt family unity, hinder child learning and development, and result in adverse consumer credit ratings. An involuntary utility termination can also trigger eviction, and can serve as a disqualifying factor for a consumer applying for public or private housing assistance – creating long-term housing instability.

Full and proper notice of a utility termination is critical to ensure that consumers are afforded the opportunity to prevent these serious impacts. PECO’s failure to provide legally required notice prior to the involuntary termination of service to residential consumers deprived tens of thousands of residential consumers of the opportunity to prevent termination of service to their home. See 52 Pa. Code § 69.1201(c)(5). Yet the Proposed Settlement imposes a financial penalty of just \$1.52 for each impacted consumer. This is not just or reasonable, and does not appropriately account for the serious nature of harm likely caused by PECO’s violations. See 52 Pa. Code. § 69.1201(c)(2). While PECO’s actions may have been unintentional, the resulting harm to tens of thousands of PECO customers was serious, substantial, and remains ongoing nearly two years later for hundreds who were never able to reconnect service. See 52 Pa. Code § 69.1201(c)(5). A \$75,000 penalty is unlikely to prevent similar errors in the future for a public utility the size of PECO, which could have been avoided – or at least reduced in terms of scope and severity – with additional oversight and more careful monitoring. See 52 Pa. Code § 69.1201(c)(8). While PECO made changes to address the exact error, the Proposed Settlement does not explain why it took PECO nearly 6 weeks to identify the first error – or how it will more quickly identify errors of this magnitude in the future.

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<sup>2</sup> The Proposed Settlement alleges only that PECO violated section 1503(b) of the Public Utility Code, and section 56.333 of the Commission’s regulations. 66 Pa. C.S. § 1503(b); 52 Pa. C.S. § 56.333(a), (b). However, the facts alleged in the Proposed Settlement suggest that PECO’s actions were also – at a minimum – in violation of sections 1406 and 1407 of the Public Utility Code and sections 56.81, 56.93, 56.94, 56.111-.112, and 56.191 of the Commission’s regulations.

CAUSE-PA is opposed to the Proposed Settlement, as it is both legally and factually deficient and does not adequately address and remediate the harm to impacted consumers. These deficiencies are discussed in further depth in CAUSE-PA's Answer to the Joint Petition for Leave to Withdraw Settlement of I&E and PECO (herein Joint Petition to Withdraw), which CAUSE-PA incorporates by reference herein. As explained more fully in its Answer, CAUSE-PA supports the Joint Petition to Withdraw to allow for further settlement negotiations in this proceeding. We submit, however, that the Commission should impose conditions on its approval to withdraw the Proposed Settlement, including the issuance of directed questions and the imposition of a 60-day timeframe for such revisions to ensure the matter is timely resolved.

CAUSE-PA is grateful to the Commission for its careful consideration of the Proposed Settlement, and urges the Commission to approve the conditional withdrawal of the Proposed Settlement to correct legal and factual deficiencies in the current proposal.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**

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Dated: June 16, 2021

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission** :  
 v. : **Docket No. M-2021-3014286**  
**PECO Energy Company** :

**CERTIFICATE OF SERVICE**

I hereby certify that I have, on this day, served copies of the **Comments of CAUSE-PA** in the above captioned matter upon the following persons and 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.

**SERVICE VIA EMAIL ONLY**

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Respectfully submitted,



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Dated: June 16, 2021