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June 21, 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**

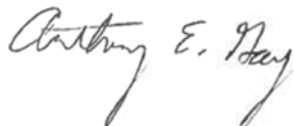
Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO Energy Company is the **Motion to Strike the Answer to Joint Petition for Leave to Withdraw Settlement filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“Motion”)**, in the above-referenced matter.

This Motion 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**

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

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this day served a copy of the **Motion To Strike The Answer To Joint Petition For Leave To Withdraw Settlement Filed By The Coalition For Affordable Utility Services And Energy Efficiency In Pennsylvania** 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 21, 2021

*Counsel for PECO Energy Company*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY</b>	:	
<b>COMMISSION, BUREAU OF</b>	:	
<b>INVESTIGATION AND ENFORCEMENT</b>	:	
	:	<b>Docket No. M-2021-3014286</b>
<b>v.</b>	:	
	:	
<b>PECO ENERGY COMPANY</b>	:	

**MOTION TO STRIKE  
THE ANSWER TO JOINT PETITION FOR LEAVE TO WITHDRAW SETTLEMENT  
FILED BY THE COALITION FOR AFFORDABLE UTILITY SERVICES AND  
ENERGY EFFICIENCY IN PENNSYLVANIA**

Pursuant to 52 Pa. Code § 5.103, PECO Energy Company (“PECO” or the “Company”) hereby moves to strike the document filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) on June 14, 2021, which is styled as “Answer of [CAUSE-PA] to the Joint Petition for Leave to Withdraw Settlement of the Bureau of Investigation and Enforcement and PECO Energy Company” (the “Answer”).

This proceeding arises from an informal investigation by the Pennsylvania Public Utility Commission (“PUC” or “Commission”) Bureau of Investigation and Enforcement (“I&E”) concerning computer programming errors by a PECO third-party call center vendor that ultimately led to electric service terminations of certain PECO customers which did not comply with all Commission termination notice requirements. On February 12, 2021, the Company and I&E filed a proposed Settlement Agreement (“Settlement”) at the above-captioned docket that fully resolves all issues related to I&E’s informal investigation, and the Commission entered an Opinion and Order on May 6, 2021 (“May 2021 Order”) requesting interested parties to file comments on the Settlement.

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 and filed a Joint Petition For Leave to Withdraw Settlement (“Joint Petition”) on June 8, 2021.

On May 20, 2021, CAUSE-PA filed a Petition to Intervene in this docket to which I&E and PECO filed Answers opposing CAUSE-PA’s intervention as a litigant with party status. I&E and PECO explained that the Commission had already established procedures for commenting on the Settlement and intervention was inappropriate, as the Commission has previously ruled.<sup>1</sup> I&E and PECO also emphasized that such intervention would contravene the public policy of informal investigations, which is designed to obtain prompt remedial action by a utility.<sup>2</sup>

As explained more fully below, CAUSE-PA is not a party to this proceeding and its “answer” and proposal of “conditions” on approval of a petition for leave to withdraw a proposed settlement in an informal investigation are not authorized by the Commission’s regulations. The impropriety of CAUSE-PA’s Answer is underscored by its statement in both the Answer and its Comments, which were filed separately on June 16, 2021, that CAUSE-PA does not oppose withdrawal of the Settlement. Accordingly, the Answer should be stricken from the docket and the Commission should reject CAUSE-PA’s proposed conditions on approval of the Joint Petition, including CAUSE-PA’s proposal for a 60-day deadline for I&E and PECO to file a revised settlement.

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<sup>1</sup> See PECO Answer to CAUSE-PA Petition to Intervene, pp. 2-3; I&E Answer to CAUSE-PA Petition to Intervene, p. 6.

<sup>2</sup> See PECO Answer to CAUSE-PA Petition to Intervene, p. 3; I&E Answer to CAUSE-PA Petition to Intervene, pp. 6-9.

In further support of its Motion, PECO states as follows:

### **I. RELEVANT BACKGROUND**

1. This proceeding arises from I&E's investigation into allegations that, as a result of computer programming errors in the dialer platform used by a PECO third-party call center vendor, certain PECO electric distribution service customers had their service terminated (1) without receiving all required 72-hour notice phone calls under the Commission's regulations, or (2) on a day different from the one identified in the 72-hour call.

2. As previously noted, on February 12, 2021, the Company and I&E filed the Settlement that resolves all issues related to the informal investigation. 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 the May 2021 Order requesting interested parties to file comments on the Settlement consistent with the PUC's regulations at 52 Pa. Code § 3.113(b)(3) within 25 days of publication of the May 2021 Order in the *Pennsylvania Bulletin*.

4. On May 20, 2021, CAUSE-PA filed a Petition to Intervene in the above-referenced docket.

5. On May 22, 2021, the May 2021 Order, Settlement and Statements in Support were published in the *Pennsylvania Bulletin*. Accordingly, comments on the proposed Settlement were due on June 16, 2021.

6. On June 8, 2021, I&E and PECO filed the Joint Petition to consider newly-discovered facts and permit negotiations of amendments to the Settlement.

7. On June 8 and 9, 2021, respectively, I&E and PECO filed Answers opposing CAUSE-PA's intervention in this proceeding.

8. On June 16, 2021, CAUSE-PA and the Tenant Union Representative Network submitted Comments on the proposed Settlement.

**II. CAUSE-PA IS NOT A PARTY TO THIS CASE AND THE ANSWER IS NOT AUTHORIZED**

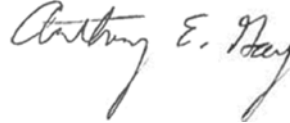
9. The Commission has not acted upon CAUSE-PA's Petition to Intervene in this informal investigation. Accordingly, CAUSE-PA is not a party to this proceeding and the Answer should be stricken on that ground alone.

10. Even if the Commission granted CAUSE-PA's Petition to Intervene, the Answer should nonetheless be stricken for several reasons. First, CAUSE-PA's Answer is outside the process the Commission established in the May 21 Order for parties to address the proposed Settlement in accordance with the Commission's regulations at 52 Pa. Code § 3.113(b)(3) governing resolution of informal investigations. The Commission's rules of practice and procedure also do not authorize the filing of an "answer" to a petition by the parties to a settlement of an informal investigation, nor has CAUSE-PA alleged that any such authority exists. Furthermore, CAUSE-PA does not identify any authority that would permit the PUC to impose CAUSE-PA's "conditions" on approval of an uncontested petition by parties to withdraw a settlement, including a requirement that both PECO and I&E file a new, revised settlement.

11. Notably, CAUSE-PA has already submitted Comments in accordance with the Commission's established process in this proceeding. CAUSE-PA's Answer and Comments also make clear that it does not oppose withdrawal of the Settlement.

WHEREFORE, for the foregoing reasons, the Answer to Joint Petition for Leave to Withdraw Settlement filed by CAUSE-PA on June 14, 2021 should be stricken.

Respectfully submitted,



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Dated: June 21, 2021

*Counsel for PECO Energy Company*