



May 16, 2022

*Via Efiling*

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: PECO Energy Company 2016-2018 Universal Service and Energy  
Conservation Plan, Docket No. M-2015-2507139**

**Petition of PECO Energy Company for Expedited Approval to Establish an  
Emergency Grant Program for Low-Income Customers, Docket No. P-2022-  
3032265**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Petition to Intervene and Answer of the Tenant Union Representative Network (TURN) in the above-referenced case.

Copies are being served electronically consistent with the attached certificate of service.

Sincerely,

Joline R. Price, Esquire  
Attorney ID No. 315405

*Enclosures*

Cc: Certificate of Service  
Joseph Magee, Bureau of Consumer Services, [jmagee@pa.gov](mailto:jmagee@pa.gov)  
Jennifer Johnson, Bureau of Consumer Services, [jennifjohn@pa.gov](mailto:jennifjohn@pa.gov)  
Louise Fink-Smith, Esq., Law Bureau, [finksmith@pa.gov](mailto:finksmith@pa.gov)

**Center City Office:** 1424 Chestnut St. | Philadelphia, PA 19102-2505 | Telephone: 215-981-3700 [clsphila.org](http://clsphila.org)

**North Philadelphia Law Center:** 1410 West Erie Ave. | Philadelphia, PA 19140-4136 | Telephone: 215-227-2400

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO Energy Company 2016-2018 Universal :  
Service and Energy Conservation Plan : Docket No. M-2015-2507139

Petition of PECO Energy Company for :  
Expedited Approval to Establish an Emergency : Docket No. P-2022-3032265  
Grant Program for Low-Income Customers :

**CERTIFICATE OF SERVICE**

I hereby certify that I have, on this day, served copies of the **Petition to Intervene and Answer of the Tenant Union Representative Network** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

**SERVICE BY EMAIL ONLY**

Jennedy S. Johnson, Esq.  
Jack R. Garfinkle, Esq.  
Anthony E. Gay, Jr. Esq.  
PECO Energy Company  
2301 Market Street/ S23-1  
Philadelphia, PA 19103  
[Jennedy.Johnson@exeloncorp.com](mailto:Jennedy.Johnson@exeloncorp.com)  
[anthony.gay@exeloncorp.com](mailto:anthony.gay@exeloncorp.com)  
[jack.garfinkle@exeloncorp.com](mailto:jack.garfinkle@exeloncorp.com)

Richard Kanaskie, Esq.  
Carrie B. Wright, Esq.  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. 3265  
Harrisburg, PA 17105-3265  
[rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)  
[carwright@pa.gov](mailto:carwright@pa.gov)

Kenneth M. Kulak, Esq.  
Catherine G. Vasudevan, Esq.  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
[Ken.kulak@morganlewis.com](mailto:Ken.kulak@morganlewis.com)  
[Catherine.vasudevan@morganlewis.com](mailto:Catherine.vasudevan@morganlewis.com)

John R. Evans  
Office of the Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101  
[jorevan@pa.gov](mailto:jorevan@pa.gov)

Elizabeth R. Marx, Esq.  
John Sweet, Esq.  
Ria M. Pereira, Esq.  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Christy Appleby, Esq.  
Aron Beatty, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
[CAappleby@paoca.org](mailto:CAappleby@paoca.org)  
[abeatty@paoca.org](mailto:abeatty@paoca.org)

Erin K. Fure, Esq.

Cody T. Murphey

Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[efure@pa.gov](mailto:efure@pa.gov)

Charis Mincavage, Esq.  
Adeolu A. Bakare, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)

James Laskey, Esq.  
Norris McLaughlin, P.A.  
400 Crossing Boulevard – 8th Floor  
Bridgewater, NJ 08807  
[jlaskey@norris-law.com](mailto:jlaskey@norris-law.com)

Rebecca Barker, Esq.  
Earthjustice  
Suite 500  
50 California Street  
San Francisco, CA 94111  
[rbarker@earthjustice.org](mailto:rbarker@earthjustice.org)

Scott Dunbar, Esq.  
Keyes & Fox LLP  
1580 Lincoln Street, Suite 880  
Denver, CO 80203  
[sdunbar@keyesfox.com](mailto:sdunbar@keyesfox.com)

David P. Zambito, Esq.  
Jonathan P. Nase, Esq.  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101-1236  
[dzambito@cozen.com](mailto:dzambito@cozen.com)  
[jnase@cozen.com](mailto:jnase@cozen.com)

Eckert Seamans Cherin & Mellott, LLC  
919 East Main Street – Suite 1300  
Richmond, VA 23219  
[cmurphey@eckertseamans.com](mailto:cmurphey@eckertseamans.com)

John F. Lushis, Jr.,  
Norris McLaughlin, P.A.  
Suite 502  
515 West Hamilton Street  
Allentown, PA 18101  
[jlushis@norris-law.com](mailto:jlushis@norris-law.com)

Devin McDougall, Esq.  
Earthjustice  
Suite 1130  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
[dmcDougall@earthjustice.org](mailto:dmcDougall@earthjustice.org)

Derrick Price Williamson, Esq.  
Barry A. Naum, Esq.  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)

Robert A. Weishaar, Jr.  
McNees Wallace & Nurick LLC  
5283 Corporate Drive  
Frederick, MD 21703  
[bweishaar@mcneeslaw.com](mailto:bweishaar@mcneeslaw.com)

James M. Van Nostrand, Esq.  
275 Orchard Drive  
Pittsburgh, PA 15228  
[jvannostrand@keyesfox.com](mailto:jvannostrand@keyesfox.com)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joline Price". The signature is fluid and cursive, with the first name "Joline" and the last name "Price" clearly distinguishable.

Joline Price, Esq., PA ID 315405  
*Counsel for TURN*

Dated: May 16, 2022

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO Energy Company 2016 -2018 Universal :  
Service and Energy Conservation Plan : Docket No. M-2015-2507139

Petition of PECO Energy Company for :  
Expedited Approval to Establish an Emergency : Docket No. P-2022-3032265  
Grant Program for Low-Income Customers :

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**PETITION TO INTERVENE  
OF TENANT UNION REPRESENTATIVE NETWORK**

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Joline R. Price, Esq. (Pa. ID: 315405)  
Kintéshia S. Scott, Esq. (Pa. ID 328600)  
Robert W. Ballenger, Esq. (Pa. ID: 93434)  
COMMUNITY LEGAL SERVICES, INC.  
1410 W. Erie Ave  
Philadelphia, PA 19140

Telephone: 215-981-3700  
Facsimile: 215-981-0434  
[jprice@clsphila.org](mailto:jprice@clsphila.org)  
[kscott@clsphila.org](mailto:kscott@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

May 16, 2022

*Counsel for TURN*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO Energy Company 2016 -2018 Universal Service and Energy Conservation Plan	:	Docket No. M-2015-2507139
Petition of PECO Energy Company for Expedited Approval to Establish an Emergency Grant Program for Low-Income Customers	:	Docket No. P-2022-3032265

**PETITION TO INTERVENE OF TENANT UNION REPRESENTATIVE NETWORK**

Tenant Union Representative Network (TURN), through counsel Community Legal Services, Inc., hereby files this Petition to Intervene in the above-captioned proceeding, pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.71-5.76, and in support, state as follows:

1. Petitioner TURN is a Philadelphia based consumer membership and advocacy organization, which advocates on behalf of low and moderate income residential tenants, many of whom are customers of or reliant upon the services of PECO Energy Company.

TURN is located at 100 South Broad Street, Suite 800, Philadelphia, PA 19110.

2. Petitioner is represented by

Joline R. Price, Esq. (Pa. ID: 315405)  
Kintéshia S. Scott, Esq. (Pa. ID 328600)  
Robert W. Ballenger, Esq. (Pa. ID: 93434)  
COMMUNITY LEGAL SERVICES, INC.  
1410 W. Erie Ave  
Philadelphia, PA 19140

Telephone: 215-981-3700

Facsimile: 215-981-0434

[jprice@clsphila.org](mailto:jprice@clsphila.org)

[kscott@clsphila.org](mailto:kscott@clsphila.org)

[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

3. On April 26, 2022, PECO Energy Company filed a Petition for Expedited Approval to Establish an Emergency Grant Program for Low-Income Customers (“Petition”) at Docket No. M-2015-2507139, which is the docket for PECO’s currently effective Universal Service and Energy Conservation Plan (USECP).
4. The Petition has been docketed at P-2022-3032265. By Secretarial Letter dated May 9, 2022, the Commission directed that Answers to the Petition be filed by May 16, 2022.
5. The Commission’s Regulations provide that “a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).
6. The Commission’s Regulations permit intervention by persons claiming “an interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code § 5.72(a)(2).
7. In Pennsylvania, an association may have standing as a representative of its members, provided the organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action. The Commission has previously determined that a not-for-profit organization may have standing in a representational capacity, including both associations and not-for-profit corporations. PPL Electric Utilities Corporation’s Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796, Opinion and Order dated May 5, 2011 at 11.

8. TURN is a not-for-profit advocacy organization composed of moderate and low income tenants, many of whom are either customers of PECO or dependent on electric service from PECO. In those capacities, they have a direct, immediate, substantial and distinct interest in how PECO distributes grants to customers.
9. TURN was a party to PECO's 2021 Electric Base Rate Case, Docket No. R-2021-3024601. TURN was a signatory to the settlement in that case, which established that PECO's unspent 2020 Low Income Usage Reduction Program funds would be used for hardship fund grants. That \$3.7 million in funding is the basis for PECO's proposal in its Petition.
10. In this proceeding, TURN seeks to explore the proposed Emergency Grant Program, including the timeframe for application of grants and the proposed methodology suggested by PECO to apply these grants to customer accounts. TURN reserves the right to examine any other issues that arise in the course of this proceeding.
11. The effectiveness of PECO's hardship funds and other grants are of critical importance to the moderate and low income PECO residential customers who are members of TURN. Petitioner TURN therefore has interests in this proceeding, which may be directly affected and which are not adequately represented by other participants, and as to which Petitioner may be bound by the action of the Commission in this proceeding.

WHEREFORE, TURN respectfully requests that the Commission grant this Petition to Intervene providing TURN with full-party status in this proceeding.

Respectfully submitted,



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Joline R. Price, Esq. (Pa. ID: 315405)  
Kintéshia S. Scott, Esq. (Pa. ID 328600)  
Robert W. Ballenger, Esq. (Pa. ID: 93434)  
COMMUNITY LEGAL SERVICES, INC.  
1410 W. Erie Ave  
Philadelphia, PA 19140

Telephone: 215-227-4378

Facsimile: 215-981-0434

[jprice@clsphila.org](mailto:jprice@clsphila.org)

[kscott@clsphila.org](mailto:kscott@clsphila.org)

[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

May 16, 2022

*Counsel for TURN*

## VERIFICATION

I, Nicole Lawrence, Executive Director of the Tenant Union Representative Network (TURN), 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).



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Title: Executive Director, TURN

Date: May 16, 2022

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO Energy Company 2016 -2018 Universal :  
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Expedited Approval to Establish an Emergency : Docket No. P-2022-3032265  
Grant Program for Low-Income Customers :

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**ANSWER OF TENANT UNION REPRESENTATIVE NETWORK**

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Joline R. Price, Esq. (Pa. ID: 315405)  
Kintéshia S. Scott, Esq. (Pa. ID 328600)  
Robert W. Ballenger, Esq. (Pa. ID: 93434)  
COMMUNITY LEGAL SERVICES, INC.  
1410 W. Erie Ave  
Philadelphia, PA 19140

Telephone: 215-981-3700  
Facsimile: 215-981-0434  
[jprice@clsphila.org](mailto:jprice@clsphila.org)  
[kscott@clsphila.org](mailto:kscott@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

May 16, 2022

*Counsel for TURN*

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Petition of PECO Energy Company for Expedited Approval to Establish an Emergency Grant Program for Low-Income Customers	:	Docket No. P-2022-3032265

**ANSWER OF TENANT UNION REPRESENTATIVE NETWORK**

On April 26, 2022, PECO Energy Company (PECO) filed a Petition for Expedited Approval to Establish an Emergency Grant Program for Low-Income Customers (Petition). In response to PECO’s Petition, and consistent with the Secretarial Letter dated May 9, 2022, the Tenant Union Representative Network (TURN) submits this Answer.

**I. Background**

In its most recent base rate case settlement, PECO agreed to use approximately \$3.7 million in unused Low Income Usage Reduction Program (LIURP) funds from 2020 for hardship grants for low-income customers. Petition at 1. PECO has already allocated the funds by county consistent with the requirements of the settlement in its most recent base rate case. Petition at 1; see also Joint Petition for Settlement of Rate Investigation, PUC v. PECO Energy Company – Electric Division, Docket No. R-2021-3024601 at ¶ 34 (Sep. 15, 2021) (hereinafter Settlement).

However, rather than require the funds to be used for standard Matching Energy Assistance Fund (MEAF) grants as contemplated by the Settlement, PECO proposes a methodology to automatically distribute these funds to customer accounts, and requests the Commission consider this Petition on an expedited basis. Petition at 1. As PECO notes in its

Petition, PECO's 2016-2018 Universal Service and Energy Conservation Plan (USECP) remains in effect while PECO's proposed USECP for 2019-2024 is under Commission review. As such, PECO proposes these changes as an amendment to its 2016-2018 USECP. Petition at ¶ 4-5.

## **II. Grant Program**

The circumstances surrounding this proposed Emergency Grant Program are unique. As PECO explains, PECO suspended in-home weatherization services between March 23, 2020 and October 5, 2020 due to the COVID-19 pandemic. Petition at ¶¶ 8-10. As a result, PECO did not spend approximately \$3.7 million in LIURP funds in 2020. Petition at ¶ 11. In its 2021 electric base rate case, PECO entered a settlement with TURN and a number of other parties agreeing to allocate those unspent funds to its Matching Energy Assistance Fund. Petition at ¶ 12. The Settlement was approved by the Commission on November 18, 2021. See PUC v. PECO Energy Company – Electric Division, Docket No. R-2021-3024601 (Order entered Nov. 18, 2021). In relevant part, the approved Settlement set forth that:

PECO will reallocate all unspent LIURP funds from the 2020 LIURP program year (approximately \$3.7 million) to provide emergency grant assistance through its Matching Energy Assistance Fund ('MEAF'). The funds will be allocated over a two-year period, with a \$1.85 million allocation in 2021 and a \$1.85 million allocation in 2022. PECO will not be required to match these funds with shareholder donations. These funds will be allocated proportionately to counties across its service territory based on the number of confirmed low-income customers in each county and will be available to households with income at or below 200% of the federal poverty level until the funds are expended.

Settlement at ¶ 34.

While TURN has some concerns about the methodology that PECO proposes, in this instance, TURN does not oppose PECO's proposal.

Between 2015 and 2019, PECO provided, on average, 677 MEAF grants a year for a total of \$180,000 in grant amounts per year. Petition at ¶ 13. The \$3.7 million allocated to MEAF in the Settlement dwarfs PECO’s standard MEAF budget by a lot. In comments regarding PECO’s proposed 2019-2024 USECP, which remains pending before the Commission, TURN – together with the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) – advocated for changes to PECO’s MEAF program. Specifically, TURN expressed concern about consistent underspending and the low number of grants that PECO’s MEAF provides. See Joint Comments of Tenant Union Representative Network and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, PECO Energy Company Universal Service and Energy Conservation Plan for 2019-2024, Docket No. M-2018-3005795 at 55-60 (July 20, 2021). TURN and CAUSE-PA suggested that PECO relax eligibility requirements, account for unspent MEAF funds, and track denials to further understand the underperformance of PECO’s MEAF. Id. PECO’s proposal in the instant case does nothing to address these ongoing concerns, and instead sidesteps the MEAF process to distribute a large amount of funding automatically, without customer application. See PECO Petition at ¶ 21 (“As noted previously, MEAF CBOs typically process and issue less than 700 grants per year with a total value across all counties of less than \$200,000. The Grant Program, in contrast, is seeking to efficiently apply grants to thousands of customers with a total value of approximately \$3.7 million.”).

TURN is concerned about the automatic allocation of grants as PECO proposes here. As proposed, PECO would identify grant recipients based on income and arrears amount. Petition at ¶¶ 14-24. This limits the grants to a specific subset of customers: those who are already identified by PECO as low-income, and who have arrears within a specific range. It does not

target assistance to those with the most need, or those most at risk of termination. TURN believes that giving customers the ability to opt-in to receiving a grant would be the most appropriate way to distribute grant assistance. However, given that this is a one-time proposal, and the large need for grant assistance in PECO's service territory,<sup>1</sup> TURN does not oppose PECO's grant allocation process. Nonetheless, TURN reiterates the concerns and suggestions for a systematic overhaul of PECO's MEAF program set forth in its Comments in PECO's pending USECP proceeding. See Joint Comments of TURN and CAUSE-PA, PECO Energy Company USECP for 2019-2024, Docket No. M-2018-3005795 at 55-60 (July 20, 2021).

### **III. Request for Expedited Consideration**

For all the reasons set forth above, given the unique, one-time nature of PECO's request, TURN does not oppose PECO's request that the Commission consider this Petition on an expedited basis. TURN maintains that the Commission should address structural issues with PECO's MEAF in the context of PECO's pending 2019-2024 USECP proceeding.

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<sup>1</sup> PECO's most recent report to the Commission at Docket No. M-2020-3019244 indicated that at the end of December 2021, more than 91,000 residential customers were at risk of termination. See Revised PECO Energy Company Temporary Reporting Requirements: At Risk Accounts, Docket No. M-2020-3019244 (Jan. 28, 2022), <https://www.puc.pa.gov/pdocs/1732669.pdf>.

Respectfully Submitted,

*Counsel for TURN*



Joline R. Price, PA ID 315405  
Robert W. Ballenger, PA ID 93434  
Kintéshia Scott, Esq., PA ID 328600

**COMMUNITY LEGAL  
SERVICES**

1410 W. Erie Avenue  
Philadelphia, PA 19140  
215-227-4378

[jprice@clsphila.org](mailto:jprice@clsphila.org)

[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

[kscott@clsphila.org](mailto:kscott@clsphila.org)

May 16, 2022

## VERIFICATION

I, Joline Price, Counsel to the Tenant Union Representative Network (TURN), 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: May 16, 2022

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Joline Price, Esq.

*Counsel for TURN*