

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held August 4, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman  
John F. Coleman, Jr., Vice Chairman  
Ralph V. Yanora

PECO Energy Company Universal Service and Energy  
Conservation Plan for 2019-2024 Submitted in  
Compliance with 52 Pa. Code §§ 54.74 and 62.4.

Docket No. M-2018-3005795

**ORDER**

**BY THE COMMISSION:**

On June 16, 2022, the Pennsylvania Public Utility Commission (Commission) entered an Order (June 16 Order) approving the 2019-2024 universal service and energy conservation plan (2019 USECP) for PECO Energy Company (PECO). On July 1, 2022, PECO filed a Petition for Rehearing or Recission and Amendment (July 2022 Petition) requesting that the Commission grant an extension until December 16, 2022, to implement three changes that were approved or directed in the June 16 Order. July 2022 Petition at 1-2. There is no opposition to granting the extension. This Order grants PECO's Petition consistent with this Order.

**BACKGROUND**

On September 25, 2020, PECO filed its Amended Proposed 2019-2024 USECP (2019 USECP) at Docket No. M-2018-3005795. The June 16 Order approved the 2019 USECP, with modifications. In the June 16 Order, we required PECO to, *inter alia*,

(1) implement a Customer Assistance Program Percent of Income Payment Plan (CAP PIPP) within four months of the entry date of the Order; (2) ensure a CAP customer's final bill does not exceed the prorated CAP price based on days of service<sup>1</sup>; and (3) within 90 days of the entry of the Order, commence charging income-qualified customers with CAP prices for months spent out of the program and allow receipt of PPA forgiveness for payments if the customer reenrolls in CAP within 12 months of removal. June 16 Order at 103-107, OP# 5.

On July 1, 2022, PECO filed its July 2022 Petition requesting an extension until December 16, 2022, to implement the above-referenced changes. On July 11, 2022, the Tenant Union Representative Network and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) (collectively, Low-Income Advocates) filed a joint-letter, and the Office of Consumer Advocate (OCA) filed a letter in lieu of comments in response to PECO's July 2022 Petition. On July 14, 2022, the Commission entered an Order granting reconsideration of the June 16 Order pending review of, and consideration on, the merits of the Petition.

On July 18, 2022, PECO filed a revised 2019 USECP. The revised 2019 USECP reflects the implementation timeframes requested in the July 2022 Petition for the above-referenced changes.

---

<sup>1</sup> PECO was not given a separate timeframe to implement the changes to its CAP billing. As such, consistent with the June 16 Order, PECO would be required to implement this change as of the filing date of its revised 2019 USECP (*i.e.*, July 18, 2022). See June 16 Order at 108, OP #20.

## STANDARD FOR RECONSIDERATION

PECO timely filed its Petition requesting reconsideration by the Commission of the June 16 Order. Commission jurisdiction in this matter was preserved by the July 14, 2022 Order, pursuant to Pa. R.A.P. Rule 1701.

Petitions for reconsideration are reviewed pursuant to 66 Pa. C.S. § 703(g), relating to rescission and amendment of orders,<sup>2</sup> and 52 Pa. Code § 5.572, relating to petitions for relief.<sup>3</sup> *Duick v. PGW*, 56 Pa. P.U.C. 553 (1982), (*Duick*) elaborates on the application of Section 703(g) and Section 5.572. “A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion . . . to rescind or amend a prior order in whole or in part.” A party may not raise the same questions in a petition for reconsideration that were raised in a prior pleading. Such questions raised ought to be those that “appear to have been overlooked or not addressed by the Commission.” If “new and novel” questions are not raised, a party will not succeed in persuading the Commission that the “initial decision on a matter or issue was either unwise or in error.” *Duick* at 558.

---

<sup>2</sup> Section 703(g), 66 Pa. C.S. § 703(g), provides that “[t]he commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it. Any order rescinding or amending a prior order shall, when served upon the person, corporation, or municipal corporation affected, and after notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders.”

<sup>3</sup> Section 5.572(a), 52 Pa. Code § 5.572(a), provides that “[p]etitions for rehearing, reargument, reconsideration, clarification, rescission, amendment, supersedeas or the like must be in writing and specify, in numbered paragraphs, the findings or orders involved, and the points relied upon by petitioner, with appropriate record references and specific requests for the findings or orders desired.”

## **JULY 2022 PETITION**

PECO requests that the Commission grant an extension to implement the changes described above. PECO reports that the extension is necessary because it needs to expend additional Information Technology (IT) funding, as well as time to refine and test the PIPP coding as well as other IT changes. Moreover, PECO notes that it can implement the CAP final billing and PIPP implementation concurrently if its requested extension is granted. PECO also notes that it must develop and test a manual process regarding CAP reenrollment, requiring additional time. July 2022 Petition at 8-10.<sup>4</sup>

## **STAKEHOLDER RESPONSE**

The Low Income Advocates and OCA do not object to granting PECO's extension request to implement the changes described above but oppose establishing a rehearing on this matter. Low-Income Advocates Joint Letter at 1; OCA Letter at 2.

## **DISCUSSION**

We are satisfied with PECO's justifications for extending the implementation timeframe for the three changes described above. There is no opposition to granting this extension. We find it reasonable and in the public interest to grant PECO additional time to conduct additional testing and development for proper implementation of these changes. Our determination to grant the extension of time renders the other aspects of the Petition moot.

---

<sup>4</sup> PECO also requests permission to file a further revised 2019 USECP to reflect these implementation timeframe changes, if approved. July Petition at 10. Since PECO has already included the proposed implementation timeframe changes in its revised 2019 USECP filed on July 18, 2022, this request is moot.

## CONCLUSION

Accordingly, the Commission hereby approves PECO's request for an extension until December 16, 2022, to implement the three changes addressed above;

**THEREFORE,**

### **IT IS ORDERED:**

1. That the Petition for Reconsideration pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572 filed by PECO Energy Company on July 1, 2022, is granted on the merits, consistent with this Order.

2. That PECO Energy Company shall implement the following universal service changes, consistent with the Commission's June 16, 2022 Order, by or before December 16, 2022:

- a. Establish a percent of income payment plan for its CAP.
- b. Ensure a CAP customer's final bill does not exceed the household's prorated CAP price based on days of service.
- c. Commence charging income-qualified customers CAP prices for months spent out of the program and allow them to receive pre-program arrearage forgiveness

for payments of these months if they reenroll in CAP within 12 months after removal.

**BY THE COMMISSION,**

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: August 4, 2022

ORDER ENTERED: August 4, 2022