



September 28, 2022

Via Efiling

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

Re: Petition of PECO Energy Company to Defer Implementation of Customer Assistance Program Participant Shopping in Its Service Area, Docket No. P-2022-3035092

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the **Letter in Lieu of Answer of the Tenant Union Representative Network (TURN)** in the above referenced proceeding.

A copy of this petition is being served via email, as indicated on the attached Certificate of Service.

Sincerely,

Joline R. Price, Esquire
Attorney ID No. 315405

Enclosures

Cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
to Defer Implementation of Customer : **Docket No. P-2022-3035092**
Assistance Program Participant Shopping :
in Its Service Area :

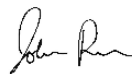
CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Joint Letter in lieu of Answer of the Tenant Union Representative Network (TURN)**, 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	
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<p>James H. Laskey Norris McLaughlin, P.A. P.O. Box 5933 400 Crossing Boulevard, 8th Floor Bridgewater, NJ 08807-5933 jlasky@norris-law.com</p>	

Respectfully submitted,



September 28, 2022

Joline R. Price, Esquire (Attorney ID: 315405)
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1410 W. Erie Ave
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Re: Petition of PECO Energy Company to Defer Implementation of Customer Assistance Program Participant Shopping in Its Service Area, Docket No. P-2022-3035092

Letter of the Tenant Union Representative Network (TURN) in lieu of Answer to PECO's Petition

Dear Secretary Chiavetta:

On September 8, 2022, PECO Energy Company (PECO) filed a Petition to Defer Implementation of Customer Assistance Program (CAP) Participant Shopping in its Service Area. The Tenant Union Representative Network (TURN) submits this letter in lieu of a formal Answer to PECO's Petition. TURN has been an active participant in numerous proceedings before the Commission regarding CAP participant shopping, including PECO's most recent Default Service Plan (DSP) proceeding at docket P-2020-3019290 (DSP V). In that proceeding, PECO agreed to make a filing with the Commission to make a proposal regarding CAP shopping following a final decision in PECO's Universal Service and Energy Conservation Plan at M-2018-3005795.

PECO's Petition seeks to maintain the status quo, which is that participants in PECO's Customer Assistance Program (CAP) must remain with default service and cannot shop. Petition at ¶7. As noted in PECO's Petition, the Commission issued a proposed policy statement on February 28, 2019, in which the Commission outlined proposed CAP shopping policies and requirements for electric utilities.¹ To date, the Commission has not yet implemented a final policy statement on CAP shopping. Petition at ¶9. PECO asserts that its proposal to defer any implementation of CAP customer shopping is reasonable and in the public interest for several reasons. Petition at ¶14. Even when other electric utilities have tried to allow CAP customers to shop with protections, CAP customers have still paid rates above the utilities' default service price

¹ See Electric Distribution Company Default Service Plans – Customer Assistance Program Shopping, Proposed Policy Statement Order, Docket No. M-2018-3006578.



to compare. See Petition at ¶¶15-16. Further, according to PECO, in PECO’s own service territory, since 2020, more than 80% of shopping residential customers have consistently paid prices higher than PECO’s price to compare. Petition at ¶17. PECO further notes that under its soon to be implemented CAP Percentage of Income Payment Plan (PIPP), if a CAP customer shopped at a higher rate than PECO’s price to compare, that customer would hit their maximum CAP credit faster and that customer’s discounts would increase, increasing the cost of the CAP program to the ratepayers who pay for it. Petition at ¶18. PECO also explains that given the implementation of reduced energy burden targets, monthly CAP bills are now lower for most CAP customers, and a competitive supplier would need to provide substantial discounts for a CAP customer to benefit from shopping. Petition at ¶19.

TURN strongly supports PECO’s proposal to maintain the status quo restricting the ability of CAP customers to shop. TURN has consistently argued that CAP customer shopping should not be permitted if it is more likely to harm than help the low income customers enrolled in CAP. As TURN has previously noted, “it is imperative that PECO not permit CAP shopping to go forward if it would increase costs for CAP customers and non-CAP customers who contribute to the cost of CAP.”² Data supplied by PECO in the DSP V proceeding revealed that non-CAP low-income customers who chose to shop with an EGS in 2019 were charged, on average more than \$0.04 per kWh *above* PECO’s PTC, resulting in an average of \$200 in additional charges billed to each low-income customer.³ Likewise, the Commission has recognized that CAP customers shopping in other electric utility territories paid in excess of the EDC’s PTC, creating unnecessarily higher CAP program costs.⁴ PECO’s proposal to defer any implementation of CAP shopping until there is clear Commission policy on the issue is reasonable.

TURN would further submit that PECO should not implement CAP shopping absent a full analysis showing that doing so would be a benefit to both CAP customers and the ratepayers who pay for the CAP program. PECO’s petition is unclear as to whether PECO believes it would need to submit a new plan if the Commission issues a final policy statement. The Commission has clearly stated that a Commission Policy Statement is guidance and not binding on individual utilities in and of itself. As TURN noted in its Statement supporting the Joint Petition for Partial Settlement in DSP V, consideration of CAP shopping must include considerations “regarding

² Petition of PECO Energy Co. for Approval of a Default Service Program for the Period of June 1, 2021 through May 31, 2025, Joint Petition for Partial Settlement, Appendix H, Pa. PUC Docket No. P-2020-3019290, at 4 (Aug. 13, 2020), <https://www.puc.pa.gov/pcdocs/1673271.pdf>.

³ See Petition of PECO Energy Co. for Approval of a Default Service Program for the Period of June 1, 2021 through May 31, 2025, TURN et al. Statement No. 1, Testimony of Philip A. Bertocci, P-2020-3019290 at 9 (Jun. 16, 2020), <https://www.puc.pa.gov/pcdocs/1674387.pdf>.

⁴ See Electric Distribution Company Default Service Plans – Customer Assistance Program Shopping, Proposed Policy Statement Order at 2-4, Docket No. M-2018-3006578 (describing price impacts associated PPL’s and FirstEnergy’s CAP shopping customers).



PECO’s potential PIPP CAP design, as well as other data and information, can be fully considered.”⁵ In consideration of the instant Petition, TURN urges the Commission to clarify that if the Commission issues a final policy statement on CAP shopping that permits CAP customer shopping, PECO will need to submit a new plan for Commission review.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Price'.

Joline R. Price, Attorney ID No. 315405
Robert W. Ballenger, Attorney ID No. 93434
Kintéshia S. Scott, Attorney ID No. 328600
Counsel for TURN

⁵ Petition of PECO Energy Co. for Approval of a Default Service Program for the Period of June 1, 2021 through May 31, 2025, Joint Petition for Partial Settlement, Appendix H, Docket No. P-2020-3019290, at 4 (dated Aug. 13, 2020).