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AN EXELON COMPANY

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October 20, 2022

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 please find the **Motion of PECO Energy Company for Leave to Submit Reply Comments** ("Motion") in the above-referenced matter. The Motion has been served as indicated on the enclosed Certificate of Service.

If you have any questions, please contact me directly at 215.841.4353.

Very truly yours,

Jennedy S. Johnson

Enclosures

c: Per the Certificate of Service (w/encls.)

DB1/ 133308539.1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION, BUREAU OF :
INVESTIGATION AND ENFORCEMENT : **DOCKET NO. M-2021-3014286**
V. :
PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the **Motion of PECO Energy Company for Leave to Submit Reply Comments** on the persons below in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL

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Counsel for PECO Energy Company

Dated: October 20, 2022

DB1/ 133334914.1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT	:	DOCKET NO. M-2021-3014286
V.	:	
PECO ENERGY COMPANY	:	

**MOTION OF PECO ENERGY COMPANY
FOR LEAVE TO SUBMIT REPLY COMMENTS**

PECO Energy Company (“PECO” or the “Company”), pursuant to 52 Pa. Code §5.103, hereby moves the Pennsylvania Public Utility Commission (“Commission”) to grant it leave to submit the Reply Comments attached hereto as “Appendix A” to address a limited number of statements made in the comments submitted on October 5, 2022 in the above-captioned docket.

1. This proceeding arises from an informal investigation by the Commission’s Bureau of Investigation and Enforcement (“I&E”) of issues related to 72-hour customer notices that were caused by a dialer platform change made by PECO’s call center third-party vendor. The 72-hour noticing issues ultimately led to electric service terminations of certain PECO customers, which did not comply with all Commission termination notice requirements.

2. On January 7, 2022, I&E and PECO submitted a Joint Petition for Approval of Settlement (“Settlement”), which fully resolves all issues related to I&E’s informal investigation.

3. On August 25, 2022, the Commission issued an Order inviting interested parties to submit comments on the Settlement. The Order did not provide for the submission of reply comments.

4. On October 5, 2022, the following comments were submitted: (1) the Joint Comments of the Tenant Union Representation Network and Coalition for Affordable Utility

Services and Energy Efficiency in Pennsylvania (“TURN/CAUSE-PA Comments”); and (2) the Comments of POWER Interfaith (“POWER Comments”).

5. The TURN/CAUSE-PA Comments include a variety of statements suggesting that PECO failed to provide required customer noticing beyond the 72-hour noticing issue addressed in the Settlement. The TURN/CAUSE-PA Comments further allege that PECO created unnecessary delays by performing outreach prior to restoring service to certain affected customer premises.

6. The POWER Comments include recommendations that, if accepted by the Commission, would require PECO to file and make publicly available certain documents that are confidential in nature.

7. PECO requests that the Commission grant it leave to submit the attached Reply Comments to allow PECO to respond to what it believes are misleading statements about PECO’s conduct as well as to recommendations that would involve the public release of confidential information. PECO does not wish to burden the record unnecessarily but believes that the attached Reply Comments will assist the Commission in evaluating the Settlement and in reaching a final determination in this matter.¹

¹ The limited scope of the Reply Comments should not be interpreted as an indication that PECO agrees with the statements/allegations made by TURN/CAUSE-PA or POWER that are not specifically addressed in the Reply Comments.

Wherefore, PECO respectfully requests that the Commission grant this Motion and allow the Company to submit the attached Reply Comments.

Respectfully submitted,



Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
Jennedy S. Johnson (Pa. No. 203098)
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Dated: October 20, 2022

For PECO Energy Company

DB1/ 133310918.3

APPENDIX A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

REPLY COMMENTS OF PECO ENERGY COMPANY

On August 25, 2022, the Pennsylvania Public Utility Commission (the “Commission”) issued an Order inviting interested parties to submit comments on the Joint Petition for Approval of Settlement (“Settlement”) filed on January 7, 2022, by the Commission’s Bureau of Investigation and Enforcement (“I&E”) and PECO Energy Company (“PECO” or the “Company”). On October 5, 2022, the following comments were submitted: (1) the Joint Comments of the Tenant Union Representation Network and Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“TURN/CAUSE-PA Comments”); and (2) the Comments of POWER Interfaith (“POWER Comments”).

PECO hereby submits limited Reply Comments to address speculative statements made in the TURN/CAUSE-PA Comments as well as certain recommendations in the POWER Comments that involve the dissemination of confidential materials. The limited scope of the Reply Comments should not be interpreted as an indication that PECO agrees with the statements/allegations made by TURN/CAUSE-PA or POWER that are not specifically addressed in the Reply Comments.

I. REPLY COMMENTS

A. **Contrary to TURN/CAUSE-PA's Contentions, PECO Provided All Required Customer Noticing Apart From the 72-Hour Noticing Addressed in the Settlement**

This proceeding arises from an informal investigation by I&E of issues, related to 72-hour customer notices, that were caused by a dialer platform change made by PECO's call center third-party vendor. The 72-hour noticing issues ultimately led to terminations of certain customers' electric service that did not strictly comply with all Commission termination notice requirements.

The TURN/CAUSE-PA Comments include a variety of statements suggesting that PECO failed to provide required customer noticing beyond the 72-hour noticing issues addressed in the Settlement:

- Regarding the requirement to attempt personal contact at the time of termination, the TURN/CAUSE-PA Comments (p. 9) state: "it appears likely PECO did not attempt such personal contact..."
- Regarding the 48-hour notice applicable to survivors of domestic violence, the TURN/CAUSE-PA Comments (p. 9) suggest that PECO may have been non-compliant: "To the extent applicable, this [additional requirement] indicates that the scope of PECO's failure is even more significant than set forth in the Joint Petition."
- Regarding overall customer noticing, the TURN/CAUSE-PA Comments state (p. 4): "only a small, unidentified number of customers whose next bill due date was within three days of PECO's 72-hour contact could have conceivably been put on notice that termination was imminent."

TURN/CAUSE-PA's speculative statements and allegations are without support and should be rejected by the Commission. The dialer platform changes that caused the 72-Hour issues did not affect other termination noticing. Contrary to the allegations of TURN/CAUSE-PA, customers impacted by the 72-hour issues received all other required termination notices. All customers received the 10-day written notice (52 Pa. Code § 56.91(a)) as well as the day-of personal contact (i.e., door knock) prior to termination (52 Pa. Code § 56.94), and PECO placed the post-termination notice at the premises following the termination of service (52 Pa. Code § 56.96). These notices contained the correct termination dates and were provided in the timeframes directed in Chapter 56.

Further, in accordance with 52 Pa. Code § 56.251 *et seq.*, customers who submitted a valid Protection from Abuse order or other court order evidencing that they are victims of domestic violence would have been coded as such in PECO's Customer Information Management System ("CIMS") and received all appropriate additional noticing – including the 48-hour noticing (52 Pa. Code § 56.335). The 48-hour notice is not provided by an auto-dialer – it is a physical (paper) notice left at the property. Therefore, any customers coded in CIMS as having a valid domestic violence order received the 10-day (mailed) notice (52 Pa. Code § 56.331), 48-hour in-person notice (52 Pa. Code § 56.335), pre-termination door knock (52 Pa. Code § 56.334), and post-termination notice (posted at the property) (52 Pa. Code § 56.336).

Simply put, the dialer platform change underlying the 72-hour noticing issues did not affect any other aspect of termination noticing/procedures.¹

¹ TURN/CAUSE-PA point to a citation error in the Settlement document (citing to 52 Pa. Code § 56.333 – Personal Contact instead of 52 Pa. Code § 56.93 – Personal Contact) as a basis for some of their unsupported allegations. While PECO acknowledges the inadvertent citation error, it is important to note that the text of both sections, in relevant part, is identical:

Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being

B. Contrary to TURN/CAUSE-PA’s Contentions, PECO’s Outreach Prior to Restoration Was Appropriate to Avoid Potential Safety Issues

The TURN/CAUSE-PA Comments (p. 10) suggest that PECO created unnecessary delays by performing outreach prior to restoring certain affected customer premises: “Given the ubiquity of smart meters in PECO service territory, with the ability to reconnect service remotely, [TURN/CAUSE-PA] question whether PECO’s ‘corrective actions’ may have delayed restoration to many premises by apparently conditioning restoration upon successful contact with customers at the affected premises.”

TURN/CAUSE-PA’s criticism ignores the safety issues that can arise when restoring service to a premises. In instances of storm-related outages, PECO is able to automatically restore customers whose service has been off as those customers are provided with an estimated time of restoration and can anticipate when service will be restored. In other circumstances, where customers do not have notice of reconnection timing, such automatic restoration is not appropriate. The dialer platform issue addressed in the Settlement occurred in summer 2018 and, for Issue B customers (Settlement, p. 5), the problem was not discovered until September 2019. Had PECO forgone customer outreach, as TURN/CAUSE-PA appears to recommend, the Company would have restored service – without notice – to some premises for cuts that happened more than a year prior. In addition to the possible issues of reestablishing service to a vacant property or to a home where the customer may no longer live, there are legitimate safety concerns surrounding restoring electric service without notice. For example, a customer with an

daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence

See 52 Pa. Code § 56.333(b)(1) and 52 Pa. Code § 56.93(a)(1). PECO does not believe the Commission is limited to considering the regulations applicable to victims of domestic violence when evaluating the Settlement.

electric stove whose service was cut in the middle of cooking could have inadvertently left the burner on. If that same customer placed a flammable item on the stove (e.g., a pizza box) when there was no electric service, then turning the electricity on without notice could result in a fire. Therefore, PECO's extensive efforts to reach out to customers prior to restoration were necessary to ensure customer safety.

Relatedly, PECO's extensive outreach provided multiple opportunities for power to be restored at affected premises. While TURN/CAUSE-PA allege that over 2,600 premises "were incapable of having service restored at all" (p. 5), a number of phone calls, mailings, and in-person visits were made to each of the impacted premises. Additionally, PECO extensively promoted its "no payment required" COVID reconnect; all premises with an "off" meter status thus received an additional, well-publicized opportunity to reconnect service *without payment*. The extensive corrective actions PECO took – of which TURN/CAUSE-PA are so critical – provide evidence that many of these customers may not need electric service at the locations that were impacted by the 72-hour noticing issue.

C. POWER's Recommendations That Would Require PECO To Share Confidential Information Should Be Rejected

The POWER Comments (p. 3) recommend that PECO be required to file and make publicly available: (1) a redline of PECO's operating procedures that were modified as a result of the Settlement; and (2) reports submitted to the Commission's Bureau of Consumer Services ("BCS") for the next two years regarding the results of the Company's regulatory noticing audits.²

² With respect to POWER's additional recommendation regarding a stakeholder meeting (p. 2), PECO notes that it already holds quarterly Universal Services Advisory Committee ("USAC") meetings during which topics related to low-income customers, outreach, and universal service programs are routinely discussed.

POWER's recommendations ignore the confidential nature of PECO's operating procedures and audit materials. The modifications to PECO's operating procedures were shared with I&E and BCS during the pendency of its 72-hour investigation on a confidential basis. At a high level, the changes to the operating procedures expanded auditing to 1) include a review of all required regulatory termination notices, 2) verify voice recording for all outbound termination calls, and 3) increase the cadence of audits from quarterly to monthly. In addition, the Company implemented intra-day controls to facilitate faster identification and resolution of potential regulatory notice issues.

Further, the future audit results – which may include account-specific information and include reports on customer noticing beyond the 72-hour notices that are the focus of the Settlement – are shared with BCS on a confidential basis. PECO believes the Settlement appropriately provides for information sharing with the Commission and should not be modified to require the public release of confidential and proprietary materials.

II. CONCLUSION

PECO appreciates the opportunity to submit these Reply Comments and continues to believe that the Settlement is in the public interest and should be approved by the Commission without modification.

Respectfully submitted,



Anthony E. Gay (Pa. No. 74624)
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Dated: October 20, 2022

For PECO Energy Company

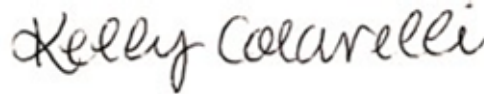
DB1/ 133308125.8

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT	:	DOCKET NO. M-2021-3014286
V.	:	
PECO ENERGY COMPANY	:	

VERIFICATION

I, Kelly Colarelli, hereby state that I am the Vice President of Customer Operations for PECO; that I am authorized to and do make this Verification; and that the facts set forth in the Motion are true and correct to the best of my knowledge, information and belief 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.



Dated: October 20, 2022

Kelly Colarelli