

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO  
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE  
555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
(800) 684-6560

 @pa\_oca  
 /pennoca  
FAX (717) 783-7152  
consumer@paoca.org  
www.oca.pa.gov

February 7, 2023

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**Re: Tenant Union Representative Network v. PECO Energy Company  
C-2020-3021557**

Dear Secretary Chiavetta:

I am requesting that this letter be filed at the captioned docket. On December 8, 2022, the Public Utility Commission issued an order in the captioned proceeding denying the Exceptions of the Tenant Union Representative Network (TURN) and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the April 13, 2022 Initial Decision of Administrative Law Judge Mary D. Long. The captioned proceeding concerns a Formal Complaint filed by TURN on August 25, 2020 against PECO Energy Company (PECO) asserting that PECO failed to comply with the terms of a 2015 settlement regarding the use of the maximum energy burden component for calculating bills for certain customer assistance program (CAP) customers. The Commission's December 8, 2022 order denied TURN and CAUSE-PA's exceptions and adopted, without modification, Judge Long's decision. On January 9, 2023, TURN filed a notice of appeal with the Commonwealth Court which appeal is docketed at 10 CD 2023.

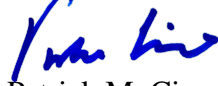
The underlying case concerns enforcement of a settlement agreement negotiated by several parties, including PECO, TURN, CAUSE-PA, and the Office of Consumer Advocate (OCA) during 2014 and 2015 changing the structure of PECO's CAP. *See PECO Universal Service and Energy Conservation Plan for 2013-2015 Submitted in Compliance with 52 Pa Code §§ 54.74 and 62.4*, Docket No. M-2012-2290911 (2013-15 USECP). In the 2013-15 USECP proceeding, I served as counsel for CAUSE-PA for much of, though not all, the negotiation of the settlement that is at issue in the captioned docket.

While I was not involved in the underlying case on behalf of CAUSE-PA prior to my role as Consumer Advocate, because I was involved in the case that gave rise to it — the 2013-15 USECP — as counsel, I want to avoid the appearance of any conflict of interest to a former client or with my current duties to the OCA as Consumer Advocate.

The purpose of this letter is to notify the Commission and the parties at this docket, and the appellate docket, that I have delegated all authority for decision making concerning the positions taken by the Office of Consumer Advocate on appeal and any subsequent remand of this proceeding to Deputy Consumer Advocate Christine M. Hoover. The decision to participate in the appeal, and all future decisions about the legal arguments advanced by the OCA in this case, will be made by Deputy Consumer Advocate Hoover in consultation with the attorneys representing the OCA. I will not participate in those decisions. While my name will be on the office's appeal and paperwork filed by the office, that is a function of my official capacity and, in this case, does not signal involvement in this proceeding on my part.

Concurrent with the filing of this letter, the Office of Consumer Advocate is filing its Notice of Intervention with the Commonwealth Court in TURN's appeal and a copy of this letter is attached thereto. Any party having questions about my decision should reach out to Deputy Consumer Advocate Hoover.

Respectfully submitted,



Patrick M. Cicero  
Consumer Advocate

CERTIFICATE OF SERVICE

Tenant Union Representative Network :  
v. : Docket No. C-2020-3021557  
PECO Energy Company :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Recusal Letter of Patrick M. Cicero, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 7<sup>th</sup> day of February 2023.

**SERVICE BY E-MAIL ONLY**

Jennedy Johnson, Esquire  
Anthony E. Gay, Esquire  
Jack R. Garfinkle, Esquire  
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)  
*Counsel for PECO Energy Company*

Kenneth M. Kulak, Esquire  
Catherine G. Vasudevan, Esquire  
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)  
*Counsel for PECO Energy Company*

Elizabeth R. Marx, Esquire  
Ria Pereira, Esquire  
John W. Sweet, Esquire  
PA Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)  
*Counsel for CAUSE-PA*

Joline R. Price, Esquire  
Robert W. Ballenger, Esquire  
Community Legal Services  
1424 Chestnut Street  
Philadelphia, PA 19102  
[jprice@clsphila.org](mailto:jprice@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
*Counsel for TURN*

Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
Office of Special Assistants  
400 North Street  
Harrisburg, PA 17120  
[ra-OSA@pa.gov](mailto:ra-OSA@pa.gov)

/s/ Christy M. Appleby  
Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
E-Mail: [CAappleby@paoca.org](mailto:CAappleby@paoca.org)

Counsel for:  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: February 7, 2023  
\*316663