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AN EXELON COMPANY

Caroline S. Choi
Assistant General Counsel
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 267-533-1775
Email: Caroline.Choi@exeloncorp.com

April 27, 2023

VIA eFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

**Re: Petition of PECO Energy Company for Expedited Approval to Modify the
Electric Vehicle Charging Pilot
Docket No. P-2023-**

Dear Secretary Chiavetta:

Enclosed please find the **Petition of PECO Energy Company for Expedited Approval to Modify the Electric Vehicle Charging Pilot** ("Petition") in the above-referenced matter. The Petition has been served as indicated on the enclosed Certificate of Service.

If you have any questions, please contact me directly at 267-533-1775.

Very truly yours,

Caroline S. Choi

Enclosures

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

Charis Mincavage
Adeolu A. Bakare
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
Counsel for PAIEUG

Elizabeth R. Marx
John W. Sweet
Ria M. Pereira
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org
Counsel for CAUSE-PA

Aron Beatty
Christy Appleby
Barrett Sheridan
Office of Consumer Advocate
5th Floor Forum Place
555 Walnut Street
Harrisburg PA 17101-1923
abeatty@paoca.org
bsheridan@paoca.org
cappleby@paoca.org
Counsel for OCA

Joline R. Price
Robert W. Ballenger
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
jprice@clsphila.org
rballenger@clsphila.org
Counsel for TURN

Deanne M. O'Dell
Sarah C. Stoner
Eckert Seamans Cherin & Mellott, LLC
213 Market Street – 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com
sstoner@eckertseamans.com
Counsel for RESA and NRG

Cody T. Murphey
Eckert Seamans Cherin & Mellott, LLC
919 East Main Street – Suite 1300
Richmond, VA 23219
cmurphey@eckertseamans.com
Counsel for RESA and NRG

John F. Lushis, Jr.,
Norris McLaughlin, P.A.
Suite 502
515 West Hamilton Street
Allentown, PA 18101
jlushis@norris-law.com
Counsel for Calpine Retail Holdings, LLC

James Laskey
Norris McLaughlin, P.A.
400 Crossing Boulevard – 8th Floor
Bridgewater, NJ 08807
jlasky@norris-law.com
Counsel for Calpine Retail Holdings, LLC

Devin McDougall
Earthjustice
Suite 2020
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103
dmcdougall@earthjustice.org
Counsel for Clean Energy Advocates

Rebecca Barker
Earthjustice
Suite 1400
311 South Wacker Drive
Chicago, IL 60606
rbarker@earthjustice.org
Counsel for Clean Energy Advocates

David P. Zambito
Jonathan P. Nase
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101-1236
dzambito@cozen.com
jnase@cozen.com
Counsel for UPENN

Scott Dunbar
Keyes & Fox LLP
1580 Lincoln Street, Suite 1105
Denver, CO 80203
sdunbar@keyesfox.com
Counsel for ChargePoint, Inc.

Robert A. Weishaar, Jr.
McNees Wallace & Nurick LLC
8490 Progress Drive
Frederick, MD 21701
bweishaar@mcneeslaw.com
Counsel for Amtrak

Derrick Price Williamson
Barry A. Naum
Spilman Thomas & Battle, PLLC 1100 Bent
Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com
Counsel for Walmart Inc.



Kenneth M. Kulak (Pa. No. 75509)
Catherine G. Vasudevan (Pa. No. 210254)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5384 (bus)
215.963.5001 (fax)
ken.kulak@morganlewis.com
catherine.vasudevan@morganlewis.com

Dated: April 27, 2023

Counsel for PECO Energy Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY
COMPANY FOR EXPEDITED
APPROVAL TO MODIFY THE
ELECTRIC VEHICLE CHARGING
PILOT** :
:
: **DOCKET NO. P-2023-**
:
:

**PETITION OF PECO ENERGY COMPANY FOR EXPEDITED APPROVAL TO
MODIFY TO THE ELECTRIC VEHICLE CHARGING PILOT**

I. INTRODUCTION

PECO Energy Company (“PECO” or the “Company”), pursuant to 52 Pa. Code § 5.41, hereby petitions the Pennsylvania Public Utility Commission (the “Commission”) for expedited approval to modify its Electric Vehicle Charging Pilot (the “EV Charging Pilot” or “Pilot”). The EV Charging Pilot was part of a comprehensive settlement (the “Settlement”) approved by the Commission in the Company’s most recent electric base rate proceeding in 2021.¹ The Pilot has a budget of \$1,625,000 and is designed to support the construction and deployment of EV chargers, collect data regarding public and fleet charging, and educate customers about transportation electrification. PECO is proposing several modifications to improve the Pilot in light of the Company’s experience to date and to help ensure that all Pilot funds can be fully utilized for the benefit of customers.

II. PECO’S EXISTING EV CHARGING PILOT

1. PECO is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office in Philadelphia, Pennsylvania. PECO

¹ See Docket No. R-2021-3024601 (Order entered, Nov. 18, 2021) (the “2021 ERC Proceeding”).

provides electric delivery service to approximately 1.6 million customers and natural gas delivery service to more than 511,000 customers in Pennsylvania.

2. The Settlement achieved in the 2021 ERC Proceeding addressed all issues in that proceeding and included the establishment of PECO's EV Charging Pilot to support EV deployment and gather information about EV charging in PECO's service territory. PECO's electric distribution customers are currently paying rates that were established as part of the Settlement.

3. PECO's EV Charging Pilot has three components: (1) the Transit Charging Program; (2) the Commercial and Industrial Level 2 Charging Program (the "L2 Program"); and (3) the Electric Vehicle Education and Outreach Program.

A. Transit Charging Program

4. The Transit Charging Program has a \$1 million budget and a three-year term (2022-2024). The Program offers substantial incentives² for the development of charging stations dedicated primarily to battery electric buses that are operated by a transit authority within the PECO electric service territory. The current Program requires, among other things, that each charging port have a capacity of at least 250 kW and that customers provide the Company with detailed information for each participating charger over a three-year period.

5. As part of the Settlement, PECO agreed to: (1) equitably apportion the total Transit Charging Program costs for equipment, installation, and make ready work across its

² If a customer site receives a governmental grant toward the construction of a charging station and related equipment purchases, the incentive from PECO will not exceed the total cost of equipment, installation, and make ready work less the value of the governmental grant. Make ready work includes supporting infrastructure such as a transformer pad (if necessary), an electric service panel, junction boxes, conduit, conductor, etc., necessary to connect the EV charging infrastructure to the electric grid.

service territory; and (2) track the census tract of infrastructure installed through the Program and the areas initially served by electric transit supported through the Program.

6. After the Pilot was approved, the Company employed a multi-prong approach to support equitable apportionment, including: (1) limiting rebates to the lesser of 50% of the total project cost or \$500,000; (2) conducting outreach to every transit authority that operates buses within PECO's electric service territory; and (3) expressly stating in Program materials that the Company would consider equitable apportionment of funds in making rebate award decisions.

7. To date, no transit authorities have submitted an application under the Transit Charging Program. PECO has repeatedly contacted every transit authority within the Company's electric service territory, and none have identified plans to apply for a rebate.³

8. The cost of the Transit Charging Program is recovered through the electric distribution base rates of Large Commercial and Industrial ("Large C&I") customer classes (PECO Rate HT (High Tension Power) or Rate PD (Primary Distribution Power)).⁴

B. L2 Program

9. The L2 Program has a \$575,000 budget (for both incentives and program administration) and a two-year term (2022-2023). The Program is designed to address the

³ Further, a recent publication by the Southeastern Pennsylvania Transportation Authority ("SEPTA"), which is by far the largest transit authority in the region, states that SEPTA does not plan to take delivery of additional zero-emission buses until at least 2026, and SEPTA has not yet determined whether those buses will use battery or fuel cell technology. See SEPTA Zero-Emission Bus Playbook <https://planning.septa.org/wp-content/uploads/2022/12/SEPTA-Forward-ZEB-Playbook-2022.12.02-to-Publish.pdf>.

⁴ PECO notes that, in testimony supporting the EV Charging Pilot in the 2021 ERC Proceeding, the Company stated its intention to recover Transit Charging Program costs through the electric distribution base rates of all customer classes. As explained in paragraph 30 of this Petition, the Company will address the treatment of funds initially earmarked for the Transit Charging Program in PECO's next electric distribution base rate proceeding.

upfront costs of developing charging sites in PECO’s electric service territory and help the Company understand the load profile and other implications of C&I L2 EV charging.

10. All Electric Vehicle Supply Equipment (“EVSE”) for a charging station participating in the L2 Program must be capable of sending and receiving communications via wi-fi, cellular, or other network connection and be certified for safety by a Nationally Recognized Testing Laboratory to demonstrate compliance with appropriate product safety test standards (the “EVSE Communications and Safety Requirements”).

11. Qualifying C&I customers⁵ can receive an L2 Program incentive in exchange for providing detailed information for each supported charger over a two-year period. For charger sites located in an Environmental Justice Area (“EJA”),⁶ the incentive is the lesser of \$3,000 per charging port or 75% of make ready costs incurred. For other charger sites, the incentive is the lesser of \$2,000 per charging port or 50% of make ready costs incurred. Each customer is eligible to receive the make ready incentive for a maximum of 20 ports over the duration of the Pilot.⁷

12. Incentives are paid on a first-come, first-served basis upon placement of the charging station(s) into service during the years 2022 and 2023, and total Program incentives are limited to a maximum of \$250,000 per calendar year.

⁵ C&I customers receive electric distribution service under PECO Rates GS (General Service), HT (High-Tension Power), or PD (Primary-Distribution Power).

⁶ The Pennsylvania Department of Environmental Protection designates EJAs. *See* <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>

⁷ If a customer site receives a governmental grant toward the construction of and equipment purchases for a charging station, the incentive from PECO shall not exceed the total cost of equipment, installation, and make ready less the value of the governmental grant.

13. As part of the Settlement, PECO agreed to: (1) track the census tract of infrastructure installed through the L2 Program; (2) provide aggregated kWh consumption of chargers and aggregated load profile information for participating L2 chargers at stakeholder collaboratives and post such information to the Company's website; and (3) develop an annual anonymized public report for submission to the Commission regarding the L2 Program in 2023 and 2024.⁸

14. At the time the Company proposed the L2 Program, PECO estimated that administrative costs, including two years of data collection, would be approximately \$75,000. After the L2 Program was approved by the Commission, PECO competitively procured an experienced EV program administrator. To interface with the program administrator and to build the capabilities necessary to meet the Program reporting requirements, PECO incurred additional information technology ("IT") costs. Based on the Company's program administration contract and the IT costs already incurred, PECO now estimates that the total administrative expenses for the L2 Program will be \$128,000, leaving \$447,000 for incentives.

15. Customer interest in the L2 Program has been strong. Within 10 weeks of launching the Program, it was fully subscribed and had a waitlist. Due to delays in the completion of customer L2 installations, however, PECO only awarded \$38,575 of rebates in 2022. Awarding incentives to all approved rebate reservations would require the Company to eliminate the existing \$250,000 cap on annual incentive distributions.

⁸ The public report will include: (a) number of participating charging ports, by county; (b) number of participating sites, by county; (c) aggregate dollar value of incentives provided to participating customers; (d) aggregate annual kWh consumption of chargers supported by county; (e) aggregated load profile information for participating L2 chargers; (f) number of requests received for participation; (g) initiated requests not funded; (h) anonymized reasons why initiated requests were not funded; and (i) a description of where charging infrastructure was installed.

16. The cost of the L2 Program is recovered through the electric distribution base rates of C&I customer classes (Rates GS, HT, and PD).

C. Education and Outreach Program

17. PECO is utilizing the \$50,000 education and outreach budget to conduct proactive EV education and outreach to increase customer knowledge of the Company's EV offerings. The awareness campaign utilizes a variety of communication channels including, but not limited to, bill inserts, email, social media, website updates, printed materials and outreach events.

18. The cost of the Education and Outreach Program is recovered through the electric distribution base rates of all customer classes.

III. PROPOSED MODIFICATIONS TO THE TRANSIT CHARGING PROGRAM AND L2 PROGRAM

19. As explained above, the Company has not received, and does not expect to receive, any transit authority applications for the Transit Charging Program. As a result, changes are necessary so that Pilot funds can be fully expended to achieve the overall objectives of: (1) incentivizing customer installation of qualifying EV chargers; and (2) obtaining data from a cross-section of customers that can be used to inform future distribution planning and rate design. The Company's proposed changes to the Transit Charging Program and L2 Program are described in the following sections.

A. Restructure the Transit Charging Program into a Broader Public Benefit Charging Program

20. PECO is proposing to restructure the Transit Charging Program into a broader Public Benefit Charging Program for C&I customers (Rates GS, HT, or PD). The Public Benefit Charging Program would have the following features:

- **Incentives for a Broader Range of Public Purposes.** Incentives would be available for customer-owned charging stations that meet at least one of the following criteria and will be used to charge EVs that are operated predominantly within the PECO electric service territory:
 - charging stations dedicated primarily to battery electric passenger buses, commuter shuttles, vehicles devoted to providing shared ride/demand response services for paratransit, medical assistance, persons with disabilities, or senior citizens, school buses, taxicabs, and/or rideshare vehicles;
 - charging stations dedicated primarily to vehicles owned or operated by one or more 501(c)(3) organizations;
 - charging stations owned by or dedicated primarily to vehicles owned or operated by county, municipal, or regional government entities; and
 - charging stations available to the general public, utilizing a non-proprietary charging standard and located in an EJA as designated by PA DEP at the time of application.
- **Incentives for a Broader Range of Charging Technologies.** The Program would incentivize qualifying Level 2 or fast charging equipment that is connected to a PECO meter on a non-residential account.
- **Incentive Caps to Ensure Multiple Projects.** Public Benefit Charging incentives would be capped at 50% of the cost of equipment, installation, and make ready work for the project and consideration would be given to any applicable governmental grant or tax

credits.⁹ Transit authorities installing EV fast chargers with a capacity of at least 250 kW per charging port would be subject to a maximum incentive of \$500,000 per project site. All other eligible customers would be subject to a maximum incentive of \$60,000 over the duration of the Pilot, inclusive of incentives paid through both the L2 Program and the Public Benefit Charging Program.

21. The incentive levels and limitations are designed to carry forward the Transit Charging Program's focus on cost sharing and the distribution of incentives over multiple projects. PECO considered the cost sharing requirement for the Transit Charging Program (50% of the total project cost, or \$500,000, whichever is less) as well as the cost sharing requirements in a variety of grants available under the federal Infrastructure Investment and Jobs Act ("IIJA") of 2021. Under the IIJA's National Electric Vehicle Infrastructure and Clean Vehicle Fueling Infrastructure programs, up to 80% of project costs could be covered by grants related to charging and fueling infrastructure, while utility infrastructure grants require recipients to cover at least 50% of project costs.¹⁰

22. PECO believes that the 50% cost sharing level is appropriate in this case because it will provide a meaningful incentive for the development of public benefit focused EVSE and will ensure that multiple projects can be supported. The proposed per-customer overall Pilot incentive limit of \$60,000 is consistent with the maximum incentives available under the L2

⁹ If a customer site receives a governmental grant or tax credit toward the construction of and equipment purchases for a charging station, the incentive from PECO shall not exceed the total cost of equipment, installation, make ready work, and contributions in aid of construction paid to PECO, less the value of the governmental grant and/or tax credit.

¹⁰ See IIJA Sections 11401 (Grants for charging and fueling infrastructure), 40101 (Preventing outages and enhancing the resilience of the electric grid), 40103 (Electric grid reliability and resilience research, development, and demonstration), and 40107 (Deployment of technologies to enhance grid flexibility).

Program¹¹ and will also facilitate the apportionment of Pilot incentives across multiple customers and project locations.

23. Because the Public Benefit Charging Program would incentivize L2 chargers in addition to fast chargers, PECO is proposing to extend the following Settlement-related L2 Program requirements to the Public Benefit Charging Program:

- EVSE incentivized under the Public Benefit Charging Program must comply with the EVSE Communications and Safety Requirements.
- The Program will not include any restriction on the establishment of pricing and charging policies for EV charging services by Program participants or on choice of retail electricity supplier.
- PECO will collect two years of data from participating chargers with one exception. If fast chargers are installed by a transit authority, PECO will collect three years of data consistent with the original Transit Charging Program.
- Based on availability, PECO will provide aggregated kWh consumption of L2 chargers and aggregated load profile information for participating L2 chargers at stakeholder collaboratives and will post that information to its website within ten business days after the stakeholder collaborative.
- PECO will track the census tract of infrastructure installed through the Program.
- The provision requiring that the Company develop an annual anonymized public report for submission to the Commission in 2023 and 2024 will be extended to 2025. The 2025

¹¹ The L2 Program, as approved, has an incentive limit of \$3,000 per charging port (in EJAs) for a maximum of twenty ports per customer, which equals \$60,000 in total incentives.

report will cover the 2024 calendar year and will include L2 charger data from both the L2 Program and the Public Benefit Charging Program.

24. The existing \$1 million Transit Charging Program budget would become a shared source of funding for the Public Benefit Charging Program and an extended L2 Program, which is described in the following section. The shared budget would be used for incentives and administrative costs, and incentives would be awarded on a first-come first-served basis. If a project meets eligibility criteria of both the L2 Program and the Public Benefit Charging Program, the customer may obtain incentives from one, not both, of the programs.¹²

25. In shifting the \$1 million budget to support the new Public Benefit Charging Program and an extended L2 Program, PECO must be prepared to accept and process applications from dozens of customers, engage with each of those customers about program requirements, enter into a data collection agreement with each participating customer's EVSE service provider, and collect the data from each of those service providers. The most cost-effective approach to performing those tasks is to outsource them to the vendor that currently administers the L2 Program. The Company estimates administrative costs of approximately \$150,000 for the Public Benefit Charging Program and the L2 Program extension.

B. Remove the L2 Program Annual Incentive Cap and Add a 2024 L2 Program Year

26. The Company is proposing two modifications to the L2 Program: (1) removal of the \$250,000 per year cap on incentive awards; and (2) extending the Program for an additional

¹² All EVSE associated with a single PECO account will be deemed to be one project for purposes of this restriction, even if those EVSE are not all energized on the same date.

year (through 2024) utilizing available funds from the Public Benefit Charging Program¹³ and giving consideration to any applicable governmental grant or tax credits consistent with the Public Benefit Charging Program. All other aspects of the Program would remain the same.

27. As noted earlier, within 10 weeks of launching the Program, PECO received rebate reservation requests from customers totaling more than the Program's entire rebate budget. While those requests were roughly evenly divided between projects expected to energize in 2022 and in early 2023, PECO only awarded \$38,575 of rebates in 2022 because many customers experienced delays in the completion of their projects. Removing the cap on annual incentive awards would permit the Company to award rebates to all approved projects that are completed in 2023 (expected to be 34 customers and 185 total charging ports) and expend the Program's full incentive budget.

28. PECO expects strong customer interest in L2 Program incentives for projects completed in 2024 based on the level of applications received for 2022 and 2023 projects. By making Public Benefit Charging Program funds available to extend the L2 Program through 2024, PECO can support additional customer L2 chargers, collect additional L2 charger data, and help ensure that all EV Charging Pilot funds are expended.

¹³ PECO expects that available funds will primarily support the 2024 L2 Program year. However, PECO requests the flexibility to also use such funds for qualifying L2 installations in 2023 if there is sufficient time after Commission approval.

C. Future Proposal About Treatment of Funds Originally Earmarked for the Transit Charging Program

29. As explained above, the \$575,000 L2 Program budget is being recovered from C&I customers and the \$1 million Transit Charging Program budget is being recovered from Large C&I customers.

30. In its next electric distribution base rate case, the Company will make a proposal regarding the treatment of funds initially earmarked for the Transit Charging Program and utilized instead under the expanded L2 Program and the Public Benefit Charging Program described in this Petition. No party to this proceeding shall be deemed to have waived any of its rights relating to the treatment of such funds by failing to raise the issue in this proceeding.

D. Settlement Requirement to Brief Parties Concerning Modification or Extension of the EV Charging Pilot

31. The Settlement included the following provision concerning future changes to the EV Charging Pilot: “If PECO intends to make a filing with the Commission to modify or extend the EV Charging Pilot, it will host a pre-filing briefing for the parties of this proceeding to discuss the Company’s proposed filing. As part of any such filing, PECO will submit data showing a basis for the incentives, identify the data sources and evaluation techniques used, and, if such information is publicly available: (1) include an EV forecast for the future pilot period; and (2) provide data showing the public and private charging that is coming online in PECO’s service territory.”

32. PECO is not aware of a publicly available EV forecast specific to the Pilot period. However, at the Commission’s EV Charging Rate Design Working Group on January 25, 2023, Synapse Energy Economics projected that statewide EV adoption will increase almost 17-fold from 2022 to 2030.

33. Regarding charging facilities coming online in PECO's service territory, PECO gave a presentation at the Commission's EV Charging Rate Design Working Group on February 16, 2023, in which the Company explained that it had more than 50 service and meter applications pending for sites in various stages of development or construction that, all together, include about 350 direct current fast charge ("DCFC") plugs. That presentation is now publicly available on the Commission's website.¹⁴ The Company is not aware of any comprehensive public information about L2 charging coming online in PECO's service territory.

34. Consistent with the Settlement, the Company held a briefing on February 27, 2023, that was attended by representatives of the following parties from the 2021 ERC Proceeding, as well as ChargeEVC-PA: the Office of Consumer Advocate ("OCA"), ChargePoint, Inc. ("ChargePoint"), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA"), the Philadelphia Area Industrial Energy Users Group ("PAIEUG"), the Retail Energy Supply Association and NRG Energy, Inc. ("RESA/NRG"), the Tenant Union Representative Network ("TURN"), and Walmart Inc. ("Walmart"). PECO held an additional briefing on March 13, 2023, for the Office of Small Business Advocate ("OSBA").

35. In addition, PECO shared a draft of this Petition with all parties to the 2021 ERC Proceeding and no party expressed opposition to the Petition.¹⁵

¹⁴ https://www.puc.pa.gov/media/2280/peco-tou_ev-fc_presentation_ev_working_group021623.pdf

¹⁵ OSBA supports the Petition and the following parties have indicated that they either do not oppose the Petition or take no position on the Petition: the Commission's Bureau of Investigation and Enforcement; OCA; ChargePoint; CAUSE-PA; TURN; PAIEUG; Walmart; RESA; Calpine Retail Holdings, LLC; the Clean Energy Advocates and The Trustees of the University of Pennsylvania and The Hospital at the University of Pennsylvania.

IV. REQUEST FOR EXPEDITED CONSIDERATION

36. As stated earlier, there have been no applicants for the Transit Charging Program and therefore PECO has been unable to utilize the \$1 million Transit Charging Program budget. PECO requests that the Commission consider this Petition on an expedited basis to facilitate the prompt use of all EV Charging Pilot funds for the benefit of customers.

V. NOTICE

37. PECO is serving copies of this filing on all parties to the Company's electric base rate proceeding at Docket Nos. R-2021-3024601. If the Pilot changes are approved, PECO will execute a multi-channel communication approach to make customers aware of the changes.

VI. CONCLUSION

Based upon the foregoing, PECO respectfully requests that the Commission grant this Petition and approve the proposed modifications to the EV Charging Pilot.

Respectfully submitted,



Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
Jennedy S. Johnson (Pa. No. 203098)
Caroline S. Choi (Pa. No. 320554)
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Phone: 215.841.4353
Fax: 215.568.3389
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com
jennedy.johnson@exeloncorp.com
caroline.choi@exeloncorp.com

Kenneth M. Kulak (Pa. No. 75509)
Catherine G. Vasudevan (Pa. No. 210254)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Phone: 215.963.5952
Fax: 215.963.5001
ken.kulak@morganlewis.com
catherine.vasudevan@morganlewis.com

Dated: April 27, 2023

Counsel for PECO Energy Company

VERIFICATION

I, Richard G. Webster, Jr., hereby declare that I am the Vice President of Regulatory Policy and Strategy for PECO Energy Company; that, as such, I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief; and that I make this verification subject to the penalties of 18 Pa.C.S. § 4904 pertaining to false statements to authorities.

A handwritten signature in blue ink, appearing to read "R.G.W." followed by a horizontal flourish.

Dated: April 27, 2023

Richard G. Webster, Jr.