



COMMONWEALTH OF PENNSYLVANIA

April 16, 2024

E-FILED

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. PECO Energy Company –
Electric Division / Docket No. R-2024-3046931**

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Kevin C. Higgins
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
 :
 v. : **Docket No. R-2024-3046931**
 :
 PECO Energy Company – Electric :
 Division :

**COMPLAINT OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

1. The Complainant is:

NazAarah Sabree
Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525

2. The name and address of the Complainant’s attorney is:

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

Rebecca Lyttle
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
relyttle@pa.gov

3. The respondent utility is:

PECO Energy Company – Electric Division
2301 Market Street
Philadelphia, PA 19103

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms, and other provisions of proposed Tariff – Electric Pa. P.U.C. No. 8 (“Tariff”), which was filed on March 28, 2023, by PECO Energy Company (“PECO” or the “Company”). The proposed Tariff, if approved by the Commission, would increase the retail distribution rates of PECO by \$464 million per year. After preliminary review of the materials filed by the Company in support of the proposed Tariff, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

6. Complainant believes, and therefore avers, that PECO’s proposed rates, rate design, and cost and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations, and may not be supported by the materials filed by PECO.

7. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Suspend and investigate the operation of PECO's proposed Tariff – Electric Pa. P.U.C. No. 8;
- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in proposed Tariff – Electric Pa. P.U.C. No. 8 to the extent required to ensure that PECO's rates are lawful, just, reasonable, and not unduly discriminatory to small business customers; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: April 16, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2024-3046931
	:	
PECO Energy Company – Electric Division	:	
	:	

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed base rate tariff filings of PECO Energy Company – Electric Division (“PECO” or the “Company”), which would increase the retail distribution rates of PECO by \$464 million per year.

The Small Business Advocate files this formal complaint against the Company’s proposed base rate tariff filings in order to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all of the elements of the Company’s proposed base rate tariff filings is necessary to ensure that the tariff filings are lawful, just, reasonable, and not unduly discriminatory to PECO’s small business customers.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed base rate tariff filings. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes that apply to small business customers that are not proven by PECO to be lawful, just, reasonable, and not unduly discriminatory to PECO's small business customers.

Dated: April 16, 2024

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein above 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).

Date: April 16, 2024



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : **Docket No. R-2024-3046931**
:
v. :
PECO Energy Company – Electric Division :
:

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey
Chief Administrative Law Judge
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
crainey@pa.gov

Erin L. Gannon, Esquire
Gina L. Miller, Esquire
Jacob D. Guthrie, Esquire
Barret C. Sheridan, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
OCAELECPECO2024@paoca.org

Carrie B. Wright, Esquire
Bureau of Investigation & Enforcement
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
cwright@pa.gov

Anthony E. Gay, Esquire
Jack R. Garfinkle, Esquire
Jennedy S. Johnson, Esquire
Caroline Choi, Esquire
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com
jennedy.johnson@exeloncorp.com
caroline.choi@exeloncorp.com

Kenneth M. Kulak, Esquire
Mark A. Lazaroff, Esquire
Brooke E. McGlinn, Esquire
Catherine G. Vasudevan, Esquire
Morgan, Lewis & Bockius LLP
2222 Market Street
Philadelphia, PA 19103
ken.kulak@morganlewis.com
mark.lazaroff@morganlewis.com
brooke.mcglinn@morganlewis.com
catherine.vasudevan@morganlewis.com

DATE: April 16, 2024

/s/ Sharon E. Webb
Sharon E. Webb
Assistant Small Business Advocate
Attorney I.D. No. 73995