



City of Philadelphia

LAW DEPARTMENT
One Parkway
1515 Arch Street
17th Floor
Philadelphia, PA 19102

May 3, 2024

Via Electronic Filing

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, *et al*

Dear Secretary Chiavetta:

Attached for electronic filing please find the City of Philadelphia and Philadelphia Energy Authority's Petition to Intervene in the above-referenced proceeding. Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Laura J. Antinucci

Laura J. Antinucci
Deputy City Solicitor
City of Philadelphia Law Department
PA Attorney I.D. # 327217
E-Mail: laura.antinucci@phila.gov

Enclosures:

cc: Office of Administrative Law Judge (email only)
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

PETITION TO INTERVENE OF THE CITY OF PHILADELPHIA AND THE
PHILADELPHIA ENERGY AUTHORITY

The City of Philadelphia (“City”), through its counsel at the Philadelphia Law Department, and the Philadelphia Energy Authority (“PEA”), through its counsel at eco(n)law LLC, (together, “Petitioners”) hereby file this Petition to Intervene in the above-captioned proceeding, pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§5.71-5.76, and in support thereof, state as follows:

1. On March 28, 2024, PECO Energy Company – Electric Division (“PECO” or “the Company”) filed with the Commission its Tariff Electric - Pa. P.U.C. No. 8 (“Tariff 8”), which was subsequently assigned Docket No. R-2024-3046931.
2. In its filing, PECO has requested to increase the electric distribution base rates charged to PECO’s approximately 1.7 million residential, commercial, governmental, and industrial customers. In its filing, PECO proposes to increase its annual distribution rates by approximately \$464 million effective May 27, 2024, with a one-time credit of \$64 million, resulting in a net electric rate increase of \$399 million in 2025, and an additional \$64 million rate increase in 2026.
3. If PECO’s rate request is approved as filed, the average bill of a residential customer using 700 kilowatt hours (kWh) per month will increase by \$16.67 from \$135.85 to \$152.52 or by 12.3% in 2025.
4. The City, a corporation and body politic formed and existing under the laws of the Commonwealth of Pennsylvania, has an estimated 1.56 million residents, with approximately 757,721 households and 30,007 businesses within its borders, according to the 2022 U.S. Census Bureau. Within the City’s Office of the Mayor, the Office of Sustainability works with partners around the city to improve quality of life in all of

Philadelphia neighborhoods through advancing environmental justice, reducing the city's carbon emissions, and preparing Philadelphia for a hotter and wetter future. In addition, the City's Municipal Energy Office, under the Office of Sustainability, promotes municipal energy conservation, efficiency, and emissions reductions by procuring energy and managing utilities, promoting energy conservation and efficiency through the development and implementation of projects and programs, and manages municipal fleet electrification measures as outlined in the Municipal Energy Master Plan and Clean Fleet Plan.

5. The City, including all of its offices and departments, is a large customer of PECO. In calendar year 2023 the City, including its Aviation Department and Water Department, used 643,267,825 kWh of electricity. The City purchases commodity electric power through intermediaries in the wholesale market, but it paid \$19,388,765 to PECO for distribution and other services.
6. The City is located at 1401 John F. Kennedy Blvd., Philadelphia, PA 19107.
7. PEA is a body politic and corporate, created by the City of Philadelphia under the Pennsylvania Municipality Authorities Act, 53 Pa. C.S. § 5601 et. seq., established in 2010 with the purpose of building a robust, equitable clean energy economy in Philadelphia. PEA works to make Philadelphia a national model for implementing energy strategies that improve the health and well-being of the community and local economy, including the City's most vulnerable residents. PEA assists the City in the development of long-term energy related projects including energy efficiency projects for City facilities, which are eligible for rebates from PECO under Act 129 (66 Pa. C. S. §2806.1), and renewable energy projects, which are interconnected with the PECO distribution system, and which both serve to reduce the City's electric load. PEA also operates programs to install and/or finance the installation of energy efficiency improvements and renewable energy systems for residents and businesses in the City, which are PECO customers, and who are eligible for rebates from PECO under Act 129 and/or require interconnection to the PECO distribution system. Many of these programs are directed to low- and moderate-income residents who are also eligible for other PECO programs and tariffs.
8. PEA is located at 1400 John F Kennedy Blvd, Philadelphia, PA 19107, Room 566.
9. Pursuant to the PUC's Regulations, "a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought." 52 Pa. Code § 5.72(a).
10. The PUC's Regulations further permit intervention by persons claiming "an interest which may be directly affected and which is not adequately represented by existing

participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code § 5.72(a)(2).

11. The Commission’s disposition of PECO’s Tariff 8 will impact the costs of the City in carrying out the goals and initiatives undertaken by Petitioners to meet their respective purposes of promoting and expanding the infrastructure needed for clean, green, and sustainable energy future for all Philadelphians. Additionally, given that the City is a large PECO customer, the proposed rate increase will directly affect the City and its own operations. Therefore, consistent with 52 Pa. Code § 5.72(a)(2), Petitioners have an interest that may be directly affected by this proceeding and that is not represented by any other party of record. Consequently, Petitioners should be granted intervenor status in this proceeding.

12. Petitions to intervene shall be filed no later than the date fixed for filing protests as published in the Pennsylvania Bulletin except for good cause shown. 52 Pa. Code §5.74(b)(2). Petitioners timely submit this petition.

12. Petitioners are represented by:

Laura Antinucci, Deputy City Solicitor
Laura.Antinucci@phila.gov
James Kellett, Divisional Deputy City Solicitor
James.Kellett@phila.gov
Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102

Baird Brown
baird@eco-n-law.net
eco(n)law, LLC
230 S Broad St 17th floor,
Philadelphia, PA 19102

Counsel for Petitioners consent to the service of documents by electronic mail to the email addresses of counsel listed above, as provided in 52 Pa. Code §1.54(b)(3).

WHEREFORE, Petitioners respectfully request that the Public Utility Commission enter an order granting the City and PEA full status as interveners in this proceeding with active party status and grant such other relief as is just and appropriate.

Respectfully submitted,

Date: May 3, 2024

/s/Laura Antinucci
Laura Antinucci, Esq.
PA Attorney I.D. #327217
James Kellett, Esq.
PA Attorney I.D. #319663
Counsel for the CITY
Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102

Baird Brown
PA Attorney I.D. #32749
Counsel for PEA
eco(n)law LLC
230 S. Broad Street
Philadelphia, PA 19102

VERIFICATION

I, Elizabeth H. Lankenau, on behalf of the City of Philadelphia, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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: May 2, 2024

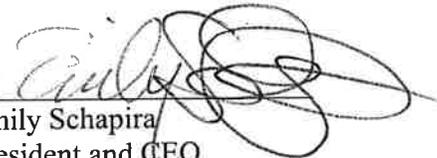
/s/ 

Elizabeth H. Lankenau
Interim Director
Office of Sustainability
1515 Arch Street, 13th Fl
Philadelphia, PA 10102

VERIFICATION

I, Emily Schapira, on behalf of the Philadelphia Energy Authority, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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: May 3, 2024

/s/ 
Emily Schapira
President and CEO
Philadelphia Energy Authority
1400 John F Kennedy Blvd,
Philadelphia, PA 19107,
Room 566

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I have this 3rd day of May, 2024 served a true copy of the foregoing Petition to Intervene of the City of Philadelphia and Philadelphia Energy Authority on the parties, listed below in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

Served via Electronic Mail Only

Anthony E. Gay, Esq.
Jack R. Garfinkle, Esq.
Jennedy S. Johnson, Esq.
Caroline Choi, Esq.
PECO Energy Company
2301 Market Street Philadelphia, PA 19103
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com
jennedy.johnson@exeloncorp.com
caroline.choi@exelocorp.com
(*Counsel for PECO Energy Co.*)

Kenneth M. Kulak, Esq.
Mark A. Lazaroff, Esq.
Brooke E. McGlinn, Esq.
Catherine G. Vasudevan, Esq.
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
(*Counsel for PECO Energy Co.*)

Sharon E. Webb, Esq.
Rebecca Lyttle, Esq.
Office of Small Business Advocate
Forum Place 555 Walnut Street, 1st Floor
Harrisburg, PA 17101
swebb@pa.gov
relyttle@pa.gov
(*Counsel for Office of Small Business Advocate*)

Erin L. Gannon, Esq.
Gina L. Miller, Esq.
Jacob D. Guthrie, Esq.
Barrett C. Sheridan, Esq.
Office of Consumer Advocate Forum Place
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
egannon@paoca.org
gmliller@paoca.org
jguthrie@paoca.org
bsheridan@paoca.org
OCAELECPECO2024@paoca.org
(*Counsel for Office of Consumer Advocate*)

Carrie B. Wright, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street Harrisburg, PA 17120
carwright@pa.gov
(*Counsel for Bureau of Investigation and Enforcement*)

Charles T. Joyce
Samuel E. Shopp
SPEAR WILDERMAN, P.C.
230 South Broad Street, Ste. 1650
Philadelphia, PA 19102
ctjoyce@spearwilderman.com
sshopp@spearwilderman.com
(*Counsel for IBEW Local 614*)

Nicholas J. Enoch
LUBIN & ENOCH, P.C.
349 North 4th Avenue Phoenix, Arizona
85003-1505
nick@lubinandenoch.com
(*Counsel for IBEW Local 614*)

Dated: May 3, 2024

Vikram A. Patel, Esq.
vpatel@clsphila.org
Charlotte E. Edelstein, Esq.
cedelstein@clsphila.org
Joline R. Price, Esq.
jprice@clsphila.org
Robert W. Ballenger, Esq.,
rballenger@clsphila.org
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
(*Counsel for TURN and CAUSE PA*)

Derrick Price Williamson Barry A. Naum
Steven W. Lee SPILMAN THOMAS &
BATTLE, PLLC 1100 Bent Creek
Boulevard, Suite 101 Mechanicsburg, PA
17050 Phone: (717) 795-2740 Fax: (717)
795-2743 dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com
slee@spilmanlaw.com
(*Counsel for Walmart*)

BICKY CORMAN LAW, PLLC
1250 Connecticut Ave., NW, Suite 700
bcorman@bickycormanlaw.com
(*Counsel for EVgo*)

/s/Laura Antinucci
Laura Antinucci, Esq.
PA Attorney I.D. #327217
James Kellett, Esq.
PA Attorney I.D. #319663
Counsel for the CITY
Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102

Baird Brown
PA Attorney I.D. #32749
Counsel for PEA
eco(n)law LLC
230 S. Broad Street
Philadelphia, PA 19102