

1250 Connecticut Avenue, NW • Suite 700 Washington, DC 20036 main 202.261.3529 fax 202.261.3508 mobile 202.213.1672 bickycormanlaw.com

May 6 2024

VIA E-FILING

Rosemary Chiavetta, Secretary Pennsylvania Public Utility Commission 400 North Street, 2nd Floor Harrisburg, PA

Re: Pennsylvania Public Utility Commission v. PECO Energy Company – Electric Division, Docket Nos. R-2024-3046931, *et al.*; **EVgo Services LLC' Prehearing Memorandum**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is EVgo Services LLC's Prehearing Memorandum.

Please contact me if you have any questions concerning today's filing.

Very truly yours,

 $\Lambda \wedge (\circ)$

Bernice I. Corman, BBO # 549386 BICKY CORMAN LAW, PLLC 1250 Connecticut Ave., NW, Suite 700 Washington, DC 20036 Phone: (202) 213-1672 Email: bcorman@bickycormanlaw.com

Counsel to EVgo Services LLC

Attachments

cc: Administrative Law Judge Marta Guhl, <u>mguhl@pa.gov</u> Administrative Law Judge Darlene Heep, <u>dheep@pa.gov</u> Service List

BEFORE THEaaaaa PENNSYLVANIA PUBLIC UTILITY COMMISSION

:

:

:

Pennsylvania Public Utility Commission v. PECO Energy Company – Electric Division

Docket No. R-2024-3046931, et al.

EVgo SERVICES LLC's PREHEARING MEMORANDUM

TO ADMINISTRATIVE LAW JUDGES GUHL and HEEP:

EVgo Services LLC ("EVgo") hereby files this Prehearing Conference Memorandum in the above-captioned matter in accordance with the Hearing Officers' April 29, 2024 Prehearing Conference Order ¶ 5, and 52 Pa. Code § 5.222(d)(1), and states as follows:

I. INTRODUCTION

On March 28, 2024, PECO filed with the PUC its proposed Tariff Electric – Pa. P.U.C. No. 8 (Tariff No. 8) (the "Proposed Tariff"), which set forth proposed rates designed to produce an increase in the Company's annual distribution revenue of approximately \$464 million based on data for a fully projected future test year ending December 31, 2025; and proposed a one-time credit of \$64 million, resulting in a net electric rate increase of \$399 million in 2025. Among others, PECO's Proposed Tariff contained revisions to PECO's existing Electric Vehicle DCFC Pilot Rider (EV-FC).

On April 24, 2024, Administrative Law Judges Darlene Heep and Marta Guhl issued a Prehearing Conference Order that, among other things: set May 7, 2024 at 1:30 P.M. for a Prehearing Conference that Parties and their Counsel would be expected to attend, fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto, or waive their objections to agreements reached and an order or ruling with respect thereto (\P 1, 14); identified the matters to be addressed at the conference (\P 2);

proposed a schedule and December 5, 2024 public meeting date for resolution of the matter (¶¶ 3, 4); directed the parties to submit a prehearing memorandum by 11:00 A.M. on May 6, 2024 providing the information required in their Order and required by 52 Pa. Code § 5.222(d)(1) (¶ 5); and delineated additional procedural matters.

II. ANTICIPATED ISSUES AND SUB-ISSUES

In its initial review of the Company's filing, EVgo has identified the following list of issues and sub-issues it may address in this proceeding, and provides a statement of its preliminary position on each, as follows:

- A. EVgo may address PECO's proposal to replace the fixed demand credit of 50% of nameplate capacity presently available in PECO's existing Rider EV-FC, with a variable demand credit to equal 20% of the measured demand. EVgo generally supports demand charge alternative rates and through this proceeding will evaluate whether the proposed revisions to Rider EV-FC are adequate to address the barrier of high demand charges borne by DCFC owner-operators in PECO's service territory.
- B. EVgo may address PECO's proposal to extend the duration of its existing Electric Vehicle DCFC Pilot Rider (EV-FC) for five years. EVgo expects to support an extension of a DCFC rider, which can provide longer-term rate certainty that enables EV charging operators to plan for the future and make informed investment decisions. Through this proceeding EVgo will evaluate whether the proposed duration of the extension is adequate to provide this certainty.

EVgo reserves the right to raise and address other issues of concern upon further examination of the Company's filing and to respond to issues raised by other parties during the course of this proceeding, and to offer positions at variance and/or in addition to those stated herein.

III. PROPOSED WITNESSES

If EVgo files testimony in this proceeding regarding the aforementioned issues, and proffering the aforementioned positions, such testimony will be sponsored by the following witness:

- Lindsey R. Stegall, 11835 W. Olympic Blvd, #900E, Los Angeles, CA 90064

IV. PROPOSED SCHEDULE AND DISCOVERY RULES

EVgo has no objection to the schedules proposed by the Parties to date, and is willing to work with them and Judges Guhl and Heep on developing a mutually agreeable schedule.

- A. EVgo takes no position on the Complaints or Petitions to Intervene identified in ¶2(b) –
 (h), or filed on or after the date of the Prehearing Conference Order;
- B. EVgo's proposed plan (¶ 2.(i)) regarding discovery is to focus on propounding one or more sets of interrogatories and reviewing responses submitted by PECO to EVgo's and/or other Parties' requests. EVgo does not presently anticipate that it will notice depositions of any Company witnesses. EVgo may seek on the record data requests during the hearing;
- C. EVgo will obtain admissions as to, or stipulations of, facts not in dispute or the authenticity of documents which might properly shorten the hearing, as appropriate;
- D. EVgo expects to call no more than one witness;
- E. EVgo expects it will take no more than one hour to conduct cross-examination on the issues identified above.
- F. As no discovery has been propounded upon EVgo, EVgo does presently anticipate the need for a protective order pertaining to its own productions. EVgo is willing to honor the terms of protective orders required to examine Company data relevant to its proposed EV-FC demand charge alternative.

V. POSSIBILITY OF SETTLEMENT

EVgo is willing to participate in discussions with the other Parties to amicably resolve the issues in this proceeding, subject to Commission approval.

Dated: May 6, 2024

Respectfully submitted,

EVgo Services, LLC

enh

By its Attorney:

Bernice I. Corman, PA Bar # 332915 BICKY CORMAN LAW, PLLC 1250 Connecticut Ave., NW, Suite 700 Washington, D.C. 20036 <u>bcorman@bickycormanlaw.com</u> (202) 213-1672

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

:

:

:

Pennsylvania Public Utility Commission v. PECO Energy Company – Electric Division

Docket No. R-2024-3046931, et al.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing upon the parties of record in the above-captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54. via electronic mail:

Richard G. Webster PECO Energy Company 2301 Market Street S15 Philadelphia, PA 19103 **215-841-5777 215-847-6208** <u>dick.webster@exeloncorp.com</u> *Served via e-mail and first class mail*

Carrie B. Wright, Esquire Bureau of Investigation and Enforcement Second Floor West 400 North Street Harrisburg, PA 17120 717-783-6156 717-787-4887 <u>carwright@pa.gov</u> Accepts eService

Patrick M. Cicero, Esquire Barrett Sheridan Esquire Erin L. Gannon, Esquire Gina L. Miller, Esquire Jacob Guthrie Office of Consumer Advocate 555 Walnut Street, 5th Floor Forum Place Harrisburg, PA 17101 **717-783-5048** <u>bsheridan@paoca.org</u> <u>egannon@paoca.org</u> <u>gmiller@paoca.org</u> <u>jguthrie@paoca.org</u> <u>pcicero@paoca.org</u> Accepts eService

Nicholas J. Enoch, Esqujire

Lubin & Enoch PC 349 North Fourth Avenue Phoenix AZ 85003 **602-234-0008** <u>nick@lubinandenoch.com</u> Accepts eService *Counsel for IBEW Local 614*

Charles T. Joyce, Esquire Samuel Shopp, Esquire* Spear Wilderman PC 230 S. Broad Street Suite 1400 Philadelphia, PA. 19102 **215-732-0101 215-732-7790** ctjoyce@spearwilderman.com sshopp@spearwilderman.com Accepts eService *Served via email and first class mail

Nazaarah Sabree, Esquire Sharon E. Webb, Esquire Rebecca Lyttle, Esquire Office of Small Business Advocate Forum Place 555 Walnut Street 1st Floor Harrisburg, PA 17101 **717-783-2525 717-783-2831** swebb@pa.gov relyttle@pa.gov ra-sba@pa.gov Served via email

Jonathan Nase, Esquire David P. Zambito, Esquire Cozen O'Connor 17 North Second Street Suite 1410 Harrisburg, PA 17101 717-773-4191 717-703-5892 jnase@cozen.com dzambito@cozen.com Accepts eService *Counsel for UPENN*

Charis Mincavage, Esquire Adeolu A. Bakare, Esquire Brigid Landy Khuri, Esquire McNees Wallace & Nurick 100 Pine Street PO Box 1166 Harrisburg, PA 17108 717-237-5437 717-232-8000 cmincavage@mwn.com abakare@mcneeslaw.com bkhuri@mcneeslaw.com Accepts eService *Counsel for PAIEUG*

Christina Sappey 698 Unionville Road Kennett Square, PA 19348 **484-200-8264** <u>RedSappey@pahouse.net</u> Accepts eService

Alan McCarthy 705 E. Barnard St. West Chester, PA 19382 **484-467-2845** <u>Alanmccarthy25@hotmail.com</u> Accepts eService

Vikram A. Patel, Esquire Charlotte Edelstein, Esquire Joline R. Price, Esquire Robert W. Ballenger, Esquire Community Legal Services, Inc. 1424 Chestnut Street Philadephia, PA 19102 **215-227-4732** <u>vpatel@clsphila.org</u> jprice@clsphila.org cedelstein@clsphila.org rballenger@clsphila.org Accepts eService *Counsel for TURN and CAUSE-PA*

William A. Lesser, Esquire Cozen O'Connor 3 WTC 175 Greenwich Street, 55th Floor New York, NY 10007 (212) 453-3808 wlesser@cozen.com

Accepts eService Counsel for Electrify America, LLC Stephen Bright, Esquire Electrify America, LLC 1950 Opportunity Way, Suite 1500 Reston, VA 20190 Accepts eService Steve.Bright@electrifyamerica.com

Derrick Price Williamson Barry A. Naum Steven W. Lee Spilman Thomas & Battle, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA (717) 795-2740 dwilliamson@spilmanlaw.com bnaum@spilmanlaw.com slee@spilmanlaw.com

Dated this 6th day of May, 2024

/s/ Bernice I. Corman