



COMMONWEALTH OF PENNSYLVANIA

June 21, 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 – Gas Division /
Docket No. R-2024-3048767**

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum 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/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Mark Ewen
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|----------------------------------|
| Pennsylvania Public Utility Commission | : | |
| | : | |
| v. | : | Docket No. R-2024-3048767 |
| | : | |
| PECO Energy Company – Gas Division | : | |
| | : | |

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in that matter as follows:

Steven C. Gray, Esq.
Senior Attorney
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
sgray@pa.gov

II. FILING BACKGROUND

On May 31, 2024, pursuant to Section 1307(f) of the Public Utility Code, PECO Energy Company – Gas Division (“PECO” or the “Company”) submitted the Company’s annual Purchased Gas Cost (“PGC”) rate filing.

The Office of Small Business Advocate (“OSBA”) filed a Complaint on June 10, 2024.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Mark Ewen
Industrial Economics Incorporated
2067 Massachusetts Ave.
Cambridge, MA 02140
(617) 354-0074 9461
mewen@indecon.com

The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

At the time of this writing, the OSBA is still reviewing the materials submitted by PECO. Nevertheless, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

1. Whether the Company’s actual and forecast lost and unaccounted-for gas rates are reasonable.
2. Whether the Company’s gas price hedging strategy is reasonable.
3. Whether the Company’s design day demand forecasting and peak day capacity requirements are reasonable.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. The OSBA requests that email delivery of documents also be provided to its witnesses identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the parties are working to develop a procedural schedule. Given the fully scheduled calendar this summer, the OSBA requests that any hearings be held telephonically.

Respectfully submitted,

/s/ Steven C. Gray

Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney ID # 77538

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

Dated: June 21, 2024

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|----------------------------------|
| Pennsylvania Public Utility Commission | : | |
| | : | |
| v. | : | Docket No. R-2024-3048767 |
| | : | |
| PECO Energy Company – Gas 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 F. Joseph Brady
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
fbrady@pa.gov
pmcneal@pa.gov

Micahel A. Podskoch, Jr., Esquire
Prosecutor
Bureau of Investigation & Enforcement
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
mpodskoch@pa.gov

Melanie J. El Atieh, Esquire
Emily A. Farren, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
MElAtieh@paoca.org
EFarren@paoca.org

Courtney L. Schultz, Esquire
Saul Ewing, LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102
courtney.schultz@saul.com

Charis Mincavage, Esquire
Adeolu A. Bakare, Esquire
Harrison Ryan Block, Esquire
McNEES WALLACE & NURICK LLC
100 Pine Street
Harrisburg, PA 17108-1166
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
rblock@mcneeslaw.com

Adesola Adegbesan, Esquire
PECO Energy Company
2301 Market Street
23rd Floor
Philadelphia, PA 19103
Adesola.Adegbesan@exeloncorp.com

Kruti B. Patel, Esquire
Saul Ewing, LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102
Kruti.patel@saul.com

Shane P. Simon, Esquire
1500 Market Street, 38th Floor
Philadelphia, PA 19102
shane.simon@saul.com

DATE: June 21, 2024

/s/ Steven C. Gray _____
Steven C. Gray
Senior Attorney
Assistant Small Business Advocate
Attorney I.D. No. 77538