



McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Charis Mincavage
Direct Dial: 717.237.5437
Direct Fax: 717.260.1725
cmincavage@mcneeslaw.com

September 6, 2024

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

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

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Statement in Support of the Philadelphia Area Industrial Energy Users Group ("PAIEUG"), in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Charis Mincavage'.

Charis Mincavage
MCNEES WALLACE & NURICK LLC

Counsel to the Philadelphia Area Industrial Energy Users Group

c: Darlene Heep, Administrative Law Judge (via e-mail)
Marta Guhl, Administrative Law Judge (via e-mail)
Pamela McNeal, Legal Assistant to ALJ
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL

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

Anthony E. Gay, Esq.
Jack R. Garfinkle, Esq.
Caroline Choi, Esq.
PECO Energy Company
2301 Market Street S23-1
Philadelphia, PA 19103
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com
caroline.choi@exeloncorp.com

Jacob Guthrie, Esq.
Gina L. Miller, Esq.
Barett Sheridan, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
OCAELECPECO2024@paoca.org

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

Carrie B. Wright, Esq.
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17105
carwright@pa.gov

Charles T. Joyce, Esq.
Samuel E. Shopp, Esq.
Spear Wilderman PC
230 S. Borad Street, Suite 1400
Philadelphia, PA 19102
ctjoyce@spearwilderman.com
sshopp@spearwilderman.com
Counsel to IBEW Local 614

Nicholas J. Enoch, Esq.
Lubin & Enoch, PC
349 North Fourth Avenue
Phoenix, AZ 85003
nick@lubinandenoach.com
Counsel to IBEW Local 614

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

Bernice I. Corman, Esq.
Bicky Corman Law, PLLC
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036
bcorman@bickycormanlaw.com
Counsel to EVgo Services LLC

Alan McCarthy
705 E. Barnard Street
West Chester, PA 19382
alanmccarthy25@hotmail.com

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

Laura Antinucci, Esq.
Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
laura.antinucci@phila.gov
*City of Philadelphia and Philadelphia
Energy Authority*

C. Baird Brown
eco(n)law LLC
230 S. Borad Street, 17th Floor
Philadelphia, PA 19102
baird@eco-n-law.net
*City of Philadelphia and Philadelphia
Energy Authority*

Charlotte Edelstein, Esq.
Joline R. Price, Esq.
Vikram A. Patel, Esq.
Robert W. Ballenger, Esq.
Community Legal Services, Inc.
1410 W. Erie Avenue
Philadelphia, PA 19140
cedelstein@clsphila.org
jprice@clsphila.org
vpatel@clsphila.org
rballenger@clsphila.org
*Counsel to The Tenant Union
Representative Network (TURN) and
Coalition for Affordable Utility Services and
Energy Efficiency in Pennsylvania (CAUSE-
PA)*

Robert J. Weishaar, Jr., Esq.
McNees Wallace & Nurick, LLC
1200 G. Street NW, Suite 800
Washington, DC 2000-6705
bweishaar@mcneeslaw.com
*Counsel to National Railroad Passenger
Corporation (Amtrak)*

Kenneth R. Stark, Esq.
McNees Wallace & Nurick, LLC
100 Pine Street
Harrisburg, PA 17101
kstark@mcneeslaw.com
*Counsel to National Railroad Passenger
Corporation (Amtrak)*

Todd S. Stewart, Esq.
Hawke McKeon and Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com
*Counsel to the Southern Pennsylvania
Transportation Authority (SEPTA)*

Certificate of Service

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Alan Michael Seltzer, Esq.
John F. Povilaitis, Esq.
Buchanan Ingersoll & Rooney PC
409 N. Second Street, Suite 500
Harrisburg, PA 17101-1357
alan.seltzer@bipc.com
john.povilaitis@bipc.com
*Counsel to Constellation Energy
Generation, LLC and Constellation
NewEnergy, Inc.*

William A. Lesser, Esq.
Cozen O'Connor
3 WTC
175 Greenwich Street, 55th Floor
New York, NY 10007
wlesser@cozen.com
Counsel for Electrify America, LLC

Phillip D. Demanchick Jr.
Hawke McKeon and Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
pddemanchick@hmslegal.com
Counsel to Vicinity



Charis Mincavage

Counsel to the Philadelphia Area Industrial
Energy Users Group

Dated this 6th day of September, 2024, in Harrisburg, Pennsylvania

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP
STATEMENT IN SUPPORT OF THE
JOINT PETITION FOR NON-UNANIMOUS SETTLEMENT**

The Philadelphia Area Industrial Energy Users Group ("PAIEUG"), by and through its counsel, submits this Statement in Support of the Joint Petition for Non-Unanimous Settlement ("Joint Petition" or "Settlement") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") in the above-captioned proceeding.

As a result of settlement discussions, PECO Energy Company ("PECO" or "Company"), PAIEUG, the Bureau of Investigation & Enforcement ("I&E"), the Office of Consumer Advocate ("OCA"), the Office of Small Business Advocate ("OSBA"), the National Railroad Passenger Corporation ("Amtrak"), Electrify America, LLC ("EA"), EVgo Services LLC ("EVgo"), the Tenant Union Representative Network and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("TURN/CAUSE-PA"), the Southeastern Pennsylvania Transportation Authority ("SEPTA"), the City of Philadelphia and Philadelphia Energy Authority ("City/PEA"), and Walmart Inc. ("Walmart") (collectively, the "Joint Petitioners"), have agreed upon the terms embodied in the aforementioned Joint Petition. PAIEUG offers this Statement in Support to further demonstrate that the Settlement is in the public interest and should be approved without modification.

BACKGROUND

1. On March 28, 2024, PECO filed Tariff Electric – Pa. PUC No. 8 ("Tariff No. ") with the PUC, requesting approval of an increase in its electric distribution rates of \$464 million. PECO provided supporting information, including prepared direct testimony and exhibits.

2. On May 6, 2024, PAIEUG filed a Complaint in response, as PAIEUG members are some of PECO's largest customers. As noted in its Complaint, PAIEUG members receive distribution service from PECO under Rate HT – High Tension. PAIEUG members were concerned that the proposed increase could have an adverse impact on their costs of operations.

3. A Prehearing Conference was held on May 7, 2024, at which time various procedural matters were discussed and a litigation schedule was established. Pursuant to that schedule, PAIEUG submitted PAIEUG Statement No. 1, Direct Testimony of Billie LaConte; PAIEUG Statement No. 1R, Rebuttal Testimony of Billie LaConte; and PAIEUG Statement No. 1SR, Surrebuttal Testimony of Billie LaConte.

4. The focus of PAIEUG's Direct, Rebuttal, and Surrebuttal Testimony was to assess PECO's proposed revenue allocation among the various rate schedules.

5. Administrative Law Judges ("ALJs") Guhl and Heep held evidentiary hearings on August 8 and 12, 2024, with written testimony and exhibits of all parties admitted into evidence by a Joint Stipulation filed on August 14, 2024.

6. In accordance with the Commission's policy encouraging negotiated settlement of contested proceedings, the Joint Petitioners engaged in discussions to resolve the issues raised by the various parties. On August 27, 2024, the ALJs approved a procedural schedule for the filing of the Joint Petition, Statements in Support, Main Briefs, and Reply Briefs to address the non-settling party issues.

STATEMENT OF SUPPORT

7. The Commission has a strong policy favoring settlements. As set forth in the Commission's regulations, "[t]he Commission encourages parties to seek negotiated settlements of contested proceedings in lieu of incurring the time, expense and uncertainty of litigation." 52 Pa. Code § 69.391; *see also* 52 Pa. Code § 5.231. Consistent with the Commission's policy, the Joint Petitioners engaged in negotiations in an effort to settle the issues raised in this proceeding. These ongoing discussions produced the foregoing Settlement.

8. The Joint Petitioners agree that approval of the proposed Settlement is in the best interest of the customers and of the Company, and, therefore, is in the public interest.

9. The Settlement consists of various terms and conditions, including the following:

- a. PECO will be permitted to implement rates that are designed to produce an annual increase in electric distribution revenues of \$354 million, in lieu of the Company's originally filed request of \$464 million.
- b. The Settlement rates will reflect the allocation of the \$354 million increase in electric operating revenue to each rate class as set forth in the Joint Petition.
- c. PECO will not file for another general rate increase under Section 1308(d) of the Public Utility Code for its electric operations prior to March 16, 2026

10. The Joint Petition is in the public interest for the following reasons:

- a. As a result of the Joint Petition, a number of important and potentially contentious issues have been resolved expeditiously and amicably, thereby lessening the costs and burdens that would have been incurred to litigate these matters to conclusion.
- b. The Joint Petition provides for a rate increase that is less than the increase originally requested by PECO and is reasonable in light of the positions of the Joint Petitioners.
- c. The Settlement provides a just and reasonable means by which to allocate the resulting rate increase among the Company's customer classes in a manner that is reasonable in light of the various positions of the Joint Petitioners.

- d. The Joint Petition reflects compromises on various positions presented without prejudice to any position any Joint Petitioner may have advanced so far in this proceeding.

11. The Joint Petition specifically satisfies the concerns of PAIEUG as follows:

- a. Through negotiations, the Joint Petitioners were able to compromise their competing litigation positions to arrive at a settlement increase that is approximately 24% less than PECO's overall requested increase. Joint Petition at ¶ 13.
- b. As part of this proceeding the various parties took differing positions on revenue allocation; however, the parties were able to achieve a consensus that takes into consideration these positions and achieves a just and reasonable increase for PECO's customer classes. Joint Petition at ¶ 16.
- c. The revenue allocation addresses concerns regarding the proposed rate increase for Rate HT, which is the rate schedule under which PAIEUG members receive service. Specifically, Rate HT will receive an increase of 26.1%. PAIEUG supports the Joint Petition as providing for a reasonable resolution of revenue allocation. *Id.*
- d. As a condition of the Settlement, PECO agrees not to file for another general base rate increase for its electric operations prior to March 16, 2026, which will provide rate stability for PAIEUG members for the next two years. Joint Petition at ¶ 15.

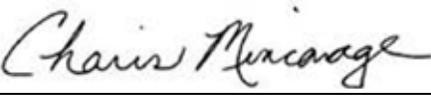
12. PAIEUG supports the foregoing Joint Petition because it is in the public interest; however, in the event the Administrative Law Judges or the Commission disapprove the Settlement or modify any terms or conditions herein, PAIEUG will resume its litigation position, which differs from the terms of the Joint Petition.

13. As set forth above, PAIEUG submits that the Settlement is in the public interest and adheres to Commission policies promoting negotiated settlements. The Settlement was achieved after numerous negotiations, resulting in terms that are fair, just, reasonable, non-discriminatory, lawful, and in the public interest.

WHEREFORE, the Philadelphia Area Industrial Energy Users Group respectfully requests that Administrative Law Judges Marta Guhl and Darlene D. Heep and the Pennsylvania Public Utility Commission approve the foregoing Joint Petition for Non-Unanimous Settlement without modification.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Charis Mincavage (I.D. No. 82039)
Adeolu A. Bakare (I.D. No. 208541)
Brigid Landy Khuri (I.D. No. 315274)
Rebecca Kimmel (Pa. I.D. 335097)
McNEES WALLACE & NURICK LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
717.232.8000 (p)
717.237.5300 (f)
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
bkhuri@mcneeslaw.com
rkimmel@mcneeslaw.com

Counsel to Philadelphia Area Industrial Energy
Users Group

Dated: September 6, 2024