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September 12, 2024

**VIA E-MAIL**

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

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

Dear Secretary Chiavetta:

Please be advised that the National Railroad Passenger Corporation (“Amtrak”) is hereby filing the attached Statement in Support of the Settlement in Docket No. R-2024-3046931. Please also be advised that Amtrak will not be filing a Reply Brief in this docket.

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.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert A. Weishaar, Jr.', written over a white background.

Robert A. Weishaar, Jr.  
MCNEES WALLACE & NURICK LLC

Counsel to the National Railroad Passenger Corporation

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**STATEMENT OF THE  
NATIONAL RAILROAD PASSENGER CORPORATION  
IN SUPPORT OF SETTLEMENT**

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The National Railroad Passenger Corporation (“Amtrak”), by and through its counsel, submits that the Joint Petition for Non-Unanimous Settlement of Rate Investigation (“Joint Petition” or “Settlement”) concurrently filed with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) in the above-captioned proceeding reflects a settlement among the Joint Petitioners with respect to PECO Energy Company’s (“PECO” or “Company”) March 28, 2024, filing of Tariff Electric – Pa. P.U.C. No. 8 (“Tariff No. 8”).

As a result of settlement discussions, PECO, Amtrak, the Bureau of Investigation and Enforcement (“I&E”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), Electrify America, LLC (“EA”), EVgo Service LLC (“EVgo”), the Philadelphia Area Industrial Energy Users Group (“PAIEUG”), the Southeastern Pennsylvania Transportation Authority (“SEPTA”), the Tenant Union Representative Network and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“TURN/CAUSE-PA”), the City of Philadelphia and Philadelphia Energy Authority (“City/PEA”), and Walmart Inc. (“Walmart”) (collectively, “Parties” or “Joint Petitioners”) have agreed upon the terms embodied

in the foregoing Joint Petition. Amtrak offers this Statement in Support to further demonstrate that the Settlement is a reasonably balanced resolution that serves the public interest and should be approved without modification.

### **BACKGROUND**

1. On March 28, 2024, PECO filed Tariff No. 8, which contained proposed changes in rates, rules, and regulations calculated to produce an increase in PECO's annual electric distribution revenues of approximately \$464 million, minus a one-time surcharge credit totaling \$64 million, resulting in a net electric rate increase of \$399 million in 2025.

2. On May 7, 2024, Amtrak filed a Petition to Intervene in the above-captioned proceeding. Amtrak receives electric service from PECO under Rate EP, and other PECO rate schedules, and uses substantial volumes of electricity in its operations. Accordingly, Amtrak's concern was that any modification to PECO's electric rates may impact Amtrak's cost of operations.

3. Consistent with the Commission's policy encouraging negotiated settlement of contested proceedings, the Joint Petitioners engaged in multiple discussions in order to resolve the issues raised by the Parties. These negotiations resulted in the Settlement, which proposes a resolution of all issues raised by the Joint Petitioners in this proceeding as set forth below.

### **STATEMENT OF SUPPORT**

4. 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 to resolve the issues raised by various parties. These discussions produced the foregoing Settlement.

5. The Joint Petitioners agree that approval of the proposed Settlement is in the best interest of the parties involved.

6. The Joint Petitioners agree that the Company should be authorized to file a tariff supplement containing the rates set forth in the Joint Petition.

7. The Joint Petitioners agree that PECO should be permitted to implement rates that are designed to produce an annual increase in electric operating reviews of \$354 million, which excludes a one-time surcharge credit totaling approximately \$64 million in 2025, for: (1) the incremental COVID-19 related bad debt that was recovered through current rates; and (2) revenue received for past use of PECO's fiber network. *See Joint Petition at p. 5.*

8. The Joint Petitioners agree that this resulting rate increase should be allocated pursuant to the terms of the Settlement.

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

- a. As a result of the Joint Petition, expenses incurred by the Joint Petitioners and the Commission for concluding this proceeding will be less than they would have been if the proceeding had been fully litigated.
- b. Uncertainties regarding further expenses associated with possible appeals from the final order of the Commission are avoided as a result of the Joint Petition.
- c. The Joint Petition provides a just and reasonable means by which to allocate the resulting rate increase.
- d. The Joint Petition reflects compromises on all sides presented without prejudice to any position any Joint Petitioner may have advanced so far in this proceeding.
- e. The Joint Petition is presented without prejudice to any position any party may advance in future proceedings involving the Company.

10. Additionally, the Joint Petition specifically satisfies the concerns of Amtrak by allocating the proposed electric rate increase among customer classes, in a reasonable manner. The Joint Petition further satisfies Amtrak’s concerns regarding PECO’s originally proposed tariff changes by:

- a. Ensuring that customers served on Rate EP receive a net revenue increase of approximately \$1,887,000, which translates to an increase of 26.7%, substantially below the level proposed by PECO in its initial filing. Joint Petition at ¶ 16.
- b. Ensuring that Rate EP and other rates will not be subject to any further rate increases at least through March 16, 2026. Id. at ¶ 15.
- c. Maintaining Rate EP customers’ current monthly Fixed Distribution Service (Customer) Charge. Id. at ¶ 17.
- d. Scaling back, from PECO’s originally proposed tariff changes, Rate EP customers’ Variable Distribution Charges to produce the class revenue of \$1,887,000. Id.
- e. Providing that PECO will not, except as referenced in the Joint Petition, implement a Distribution System Improvement Charge (“DSIC”) during the calendar year ending December 31, 2025, with the first DSIC in 2026 becoming effective no earlier than March 31, 2026, based on DSIC-eligible expenditures during January 1, 2026 to February 28, 2026. Id. at ¶ 20.

11. Amtrak supports the foregoing Joint Petition because it is in the public interest; however, in the event that the Administrative Law Judge recommends modification or disapproval of the Joint Petition, and the Commission adopts the Administrative Law Judge’s recommendation, Amtrak will resume its litigation position, which differs from the terms of the Joint Petition.

12. As set forth above, Amtrak submits that the Settlement is in the public interest and adheres to Commission policies promoting negotiated settlements. The Settlement was achieved after numerous negotiations. Although Joint Petitioners have invested time and resources in the negotiation of the Joint Petition, this process has allowed the parties, as well as the Commission,

to avoid expending the substantial resources that would have been required to fully litigate this proceeding while still reaching a just, reasonable, and non-discriminatory result.

13. Joint Petitioners have thus reached an amicable resolution to this dispute as embodied in the Settlement. Approval of the Settlement will permit the Commission and Joint Petitioners to avoid incurring the additional time, expense, and uncertainty of further litigation in this proceeding. *See* 52 Pa. Code § 69.391.

**WHEREFORE**, the National Passenger Railroad Corporation respectfully requests that Administrative Law Judges Marta Guhl and Darlene Heep, and the Pennsylvania Public Utility Commission, approve the foregoing Joint Petition for Settlement of Rate Investigation without modification.

Respectfully submitted,

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