

# Lubin & Enoch, P.C.

PHOENIX | DENVER | EL PASO | SALT LAKE CITY | SANTA FE

Stanley Lubin (1941-2022)

Nicholas J. Enoch  
Also admitted in Colorado and Texas

Clara S. Bustamante  
Also admitted in New Mexico and Texas

Morgan L. Bigelow  
Also admitted in New Mexico and Utah

Margot Veranes  
Also admitted in New Mexico and Texas

Taylor Secemscki  
Also admitted in Colorado and Utah

349 North Fourth Avenue  
Phoenix, Arizona 85003  
(602) 234-0008  
Fax: (602) 626-3586

September 12, 2024

## VIA eFILING

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17105-3265

**Re: Pa. PUC v. PECO Energy Company – Electric Division**  
**Docket No. R-2024-3046931**  
**IBEW L. 614- Reply Brief**  
**File No. 1974-005**

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced matter is the Certificate of Service evidencing service of IBEW Local 614's Reply Brief.

Copies have been served in accordance with the enclosed Certificate of Service.

Sincerely,

/s/ Charles T. Joyce

Charles T. Joyce

Counsel to Intervenor-Applicant IBEW Local 614

/s/ Nicholas J. Enoch

Nicholas J. Enoch

*cc. Certificate of Service*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY  
COMMISSION**

**v.**

**PECO ENERGY COMPANY-  
ELECTRIC DIVISION**

**Docket No. R-2024-3046931**

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this 12th day of September 2024 served a copy of the foregoing documents on the following persons in the matter specified in accordance with the requirements of 52 Pa. Code § 1.54.

**VIA ELECTRONIC MAIL**

\*Erin L. Gannon  
\*Barrett C. Sheridan  
\*Gina L. Miller  
\*Jacob D. Guthrie  
Consumer Advocate  
Office of Consumer Advocate  
Forum Place, 5<sup>th</sup> Floor  
555 Walnut Street  
Harrisburg, PA 17101-1923  
[OCAELECPEC02024@paoca.org](mailto:OCAELECPEC02024@paoca.org)  
*Counsel for Office of Consumer  
Advocate ("OCA")*

\*Carrie B. Wright Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120  
[carwright@pa.gov](mailto:carwright@pa.gov)  
*Counsel for Bureau of Investigation  
& Enforcement*

\*Sharon E. Webb  
\*Rebecca Lyttle  
Office of Small Business Advocate  
Forum Place, 555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)  
*Counsel for Office of Small Business Advocate  
("OSBA")*

\*Charis Mincavage  
\*Adeolu A. Bakare  
\*Brigid Landy Khuri Rebecca Kimmel  
McNees Wallace & Nurick, LLC  
100 Pine Street  
Harrisburg, PA 17108-1166  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[bkhuri@mcneeslaw.com](mailto:bkhuri@mcneeslaw.com)  
[rkimmel@mcneeslaw.com](mailto:rkimmel@mcneeslaw.com)

\*Alan M. Seltzer  
\*John F. Povilaitis  
Buchanan Ingersoll & Rooney PC  
409 North Second Street, Suite 500  
Harrisburg, PA 17101  
[alan.seltzer@bipc.com](mailto:alan.seltzer@bipc.com)  
[john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)  
*Counsel for Constellation Energy  
Generation, LLC and Constellation  
NewEnergy, Inc.*

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

\*Laura Antinucci  
\*James Kellett  
Philadelphia Law Department  
1515 Arch Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
[laura.antinucci@phila.gov](mailto:laura.antinucci@phila.gov)  
[james.kellett@phila.gov](mailto:james.kellett@phila.gov)  
*Counsel for The City of Philadelphia and  
Philadelphia Energy Authority  
("City and PEA")*

\*Nidhi Krishen  
[nidhi.krishen@phila.gov](mailto:nidhi.krishen@phila.gov)  
*Witness for City and PEA*

Derrick Price Williamson  
\*Barry A. Naum  
\*Steven W. Lee  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)  
[slee@spilmanlaw.com](mailto:slee@spilmanlaw.com)  
*Counsel/or Walmart Inc.*

Bernice L Corman  
Bicky Corman Law, PLLC  
1250 Connecticut Avenue, NW, Suite 700  
Washington, DC 20036  
[bcorman@bickycormanlaw.com](mailto:bcorman@bickycormanlaw.com)  
*Counsel for EVgo Services LLC*

\*C. Baird Brown  
eco(n)law, LLC  
230 South Broad Street, 17<sup>th</sup> Floor  
Philadelphia, PA 19102  
[baird@eco-n-law.net](mailto:baird@eco-n-law.net)  
*Counsel for PEA*

Alan McCarthy  
705 East Barnard Street  
West Chester, PA 19382  
[alanmccarthy25@hotmail.com](mailto:alanmccarthy25@hotmail.com)  
*Pro Se*

\*Elizabeth Lankenau  
[elizabeth.lankenau@phila.gov](mailto:elizabeth.lankenau@phila.gov)  
*Witness/or City and PEA*

\*Dominic McGraw  
[dominic.mcgraw@phila.gov](mailto:dominic.mcgraw@phila.gov)  
*Witness/or City and PEA*

\*Phillip D. Demanchick Jr.  
Hawke McKeon & Sniscak, LLP  
100 North 10<sup>th</sup> Street  
Harrisburg, PA 17101  
[pddernanchick@hmslegal.com](mailto:pddernanchick@hmslegal.com)  
*Counsel for Grays Ferry Cogeneration  
Partnership and Vicinity Energy  
Philadelphia, Inc.*

\*Elizabeth Marx  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
*Witness/or TURN and CAUSE-PA*

Emily Schapira  
[eschapira@philaenergy.org](mailto:eschapira@philaenergy.org)  
*Witness/or City and PEA*

\*James L. Crist  
Lumen Group, Inc.  
4226 Yarmouth Drive, Suite 101  
Allison Park, PA 15101  
[jlcris@aol.com](mailto:jlcris@aol.com)  
*Witness for SEPTA*

Charles T. Joyce  
Spear Wilderman, P.C.  
230 South Broad Street, Suite 1650  
Philadelphia, PA 19102  
[ctjoyce@spearwilderman.com](mailto:ctjoyce@spearwilderman.com)  
*IBEW Local 614*

Nicholas J. Enoch  
Lubin & Enoch, P.C.  
349 North 4<sup>th</sup> Avenue  
Phoenix, Arizona 85003  
[nick@lubinandenoach.com](mailto:nick@lubinandenoach.com)  
*IBEW Local 614*

September 12, 2024

/s/ Cristina Gallardo-Sanidad

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

Docket No. R-2024-3046931

v.

PECO ENERGY COMPANY-ELECTRIC  
DIVISION

---

**REPLY BRIEF OF INTERVENOR  
LOCAL 614 OF THE INTERNATIONAL BROTHERHOOD  
OF ELECTRICAL WORKERS, AFL-CIO**

Charles T. Joyce, Esq.  
Attorney ID: 51254  
SPEAR WILDERMAN, P.C.  
230 South Broad Street, Suite 1650  
Philadelphia, PA 19102  
Phone: 215-732-0101  
[CTJoyce@spearwilderman.com](mailto:CTJoyce@spearwilderman.com)

Nicholas J. Enoch, Esq., admitted *pro hac vice*  
LUBIN & ENOCH, P.C.  
349 North Fourth Avenue  
Phoenix, Arizona 85003-1505  
Phone: (602) 234-0008  
Fax: (602) 626-3586  
[nick@lubinandenoch.com](mailto:nick@lubinandenoch.com)

*Counsel for Intervenor IBEW Local 614*

Dated: September 12, 2024

## TABLE OF CONTENTS

	<b>Page(s)</b>
I. INTRODUCTION .....	1
II. CUSTOMER SERVICE REPRESENTATIVE (CSR) ISSUES .....	1
A. Adequacy of CSR Training on New Billing System.....	1
B. Adequacy of Supervisor Support to CSRs .....	3
C. CSR Overtime Requirements and Satisfaction .....	4
III. IBEW PROPOSALS .....	5
A. Worker Safety and Safety Standards .....	5
B. PECO’s Vacancy Rate, Budgeting and Workforce Planning Process .....	6
1. Employee Complement/Vacancy Rate .....	6
2. Budgeting Concerns.....	8
3. Vegetation Management .....	9
C. IBEW’s Proposals for Additional Reporting Requirements.....	9
1. Annual Workforce Planning Report .....	10
2. Annual Capital and O&M Project Lists.....	11
3. Annual Reconciliation of Rate Base and Operating Income.....	12
4. Schedule of Affiliate Transactions.....	12
IV. CONCLUSION .....	13

**TABLE OF AUTHORITIES**

**Page(s)**

***Statutes and Regulations***

66 Pa. C.S.A. § 504

**10, 11**

66 Pa. C.S.A. § 1501

**4, 5**

## **I. INTRODUCTION**

Pursuant to the Prehearing Order dated May 21, 2024, Local 614 of the International Brotherhood of Electrical Workers (“IBEW Local 614” or “the Union”), by and through undersigned counsel, submits its Reply Brief in Support of its Main Brief filed on September 6, 2024. PECO Energy Company—Electric Division (“PECO” or the “Company”) also filed its Main Brief (“PECO’s Main Brief”) on September 6, 2024.

## **II. CUSTOMER SERVICE REPRESENTATIVE (CSR) ISSUES**

### **A. Adequacy of CSR Training on New Billing System**

In response to IBEW Local 614’s extensive concerns regarding PECO’s training practices for CSRs, PECO has effectively stated, “We train enough.” At the outset, it is important to note that PECO has not disputed the impact that the new customer service software, CCMV, has had on ratepayers’ billing. Candidly, it is alarming the manner in which PECO has simply ignored the issue that the program has overcharged commercial accounts with previously non-existent distribution and transmission charges; the program fails to bill clients and then disconnects them due to lack of payment; and the program fails to follow through with start service requests.<sup>1</sup>

CSRs are ratepayers’ direct line to PECO for their bills, services, and support. It is not a small matter that IBEW Local 614, on behalf of these represented employees, are bringing forward concerns – not regarding their pay or schedule – but their *training*. IBEW Local 614 and the CSRs want to support ratepayers and are expressing concerns that PECO

---

<sup>1</sup> Exh. IBEW-8 at 14.

is not doing enough to prepare them. To wit, it was only on the beginning of the week of May 27, 2024, five months *after* the launch of CCMV, that PECO began to train CSRs on CCMV's credit and collections functionality.<sup>2</sup>

In its Main Brief, PECO states that its Witness Jacqueline F. Golden testified to PECO's three phases of training for CSRs.<sup>3</sup> However, IBEW Local 614 stands by its testimony that CSRs have only received passive training on the new program, including being read PowerPoint Slides and too little time to practice the use of the actual software.<sup>4</sup> Shortly before CCMV was launched, supervisors read PowerPoint slides to CSRs as part of their training on how to use CCMV.<sup>5</sup> Moreover, now under the new software, PECO has *reduced* standard training for credit collections from one and a half month long in-person training with in-person supervisors to two weeks of training with supervisors supposedly, but not actually, available via Teams.<sup>6</sup>

For these reasons and those set forth in its Main Brief, IBEW Local 614 requests that PECO revert to the prior format of credit training for CSRs, which required one and a half month-long training in-person with present supervisors, faster training of new hires, and no additional evaluations until PECO works through its own internal issues of implementing the new customer software.

---

<sup>2</sup> PECO's Main Brief at pp. 6–7 (citing IBEW St. 1-R, pp. 13–14).

<sup>3</sup>*Id.*

<sup>4</sup> Exh. IBEW-8 at 13–14.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

## **B. Adequacy of Supervisor Support to CSRs**

In its Main Brief, IBEW Local 614 noted that there was a lack of supervisory support during difficult calls, including credit collections. In its Main Brief, PECO has responded that it will be implementing additional training relating to its new customer software program, which will be completed by 2024.<sup>7</sup> Again, it is alarming that this didn't occur *before* PECO launched the program and such practices only come at the expense of ratepayers who cannot receive adequate support and CSRs who have to work additional hours to work through these issues with ratepayers. In its Main Brief, PECO has also stated that "coaches" will be trained at the same time as CSRs and those "coaches" will be supporting CSRs.<sup>8</sup> Suffice to say it is nonsensical that coaches going through "training" may not be the best to assist CSRs on challenging calls. It's the blind leading the blind, but one of them has the title of "coach."

IBEW Local 614 reasserts that the issue of supervisor support can be mediated through adequate training. Specifically, IBEW Local requests there be a provision of training to CSR supervisors regarding the CSRs' role, the programs they use, and navigating PECO's billing system. This will not only support CSRs, but it will also support customers.

---

<sup>7</sup> PECO's Main Brief at p. 7 (citing PECO St. 10-SR at p. 6).

<sup>8</sup> *Id.* at p. 7 (citing PECO St. 10-SR at p. 6).

### C. CSR Overtime Requirements and Satisfaction

In its Main Brief, PECO does not deny that CSRs were forced to go through significant unplanned mandatory overtime.<sup>9</sup> Instead, PECO states that this was a mandatory part of their jobs, and it was a natural part of the deployment of the CCMV software.<sup>10</sup>

It is astounding that a major company that touts its diversity by the same token diminishes the disproportionate impact of its practices on its diverse workforce. As noted in the testimony of Lawrence Anastasi, the vast majority of CSRs are women who depend on childcare for work.<sup>11</sup> PECO's cavalier attitude regarding the psychological stress that it caused these workers by giving them write-ups because they could not get childcare in time to stay for unscheduled overtime is alarming.<sup>12</sup> All more so the case when apparently PECO had no intention of doing anything with these write-ups and apparently only did it pressure workers to stay.<sup>13</sup>

PECO rushed the deployment of the CCMV program, forced mandatory overtime via the threat of write-ups to get more working hours out of the CSRs, and diminished training for these workers. None of this would have been necessary had PECO adequately trained workers and supervisors and deployed a program that was actually ready to go.

---

<sup>9</sup> *Id.* at p. 8.

<sup>10</sup> *Id.*

<sup>11</sup> Exh. IBEW-8 at pp. 14–15.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

IBEW Local 614 submits this is a crucial reason to carry out sufficient training to ensure these workers are supported. Moreover, PECO's poor management in deploying this program, and its consequent effects on customers and CSRs, is sufficient reason to require an order from the Commission to correct the same.

### III. IBEW PROPOSALS

#### A. Worker Safety and Safety Standards

As PECO acknowledges in its Main Brief, IBEW Local 614 is proposing the Commission adopt "qualified contractor" standards that would require PECO to screen contractors for, *inter alia*, (1) compliance with the prevailing wage, (2) insurance coverage, (3) safety training, and (4) participation in apprenticeship and training programs approved by the U.S. Department of Labor.<sup>14</sup> IBEW Local 614 believes these are the bare minimum requirements PECO should be addressing when selecting contractors in order to comply with its obligations as a public utility to provide safe and reliable service and facilities to its customers, employees, and the public. 66 Pa.C.S.A. § 1501 (requiring every public utility to "furnish and maintain adequate, efficient, **safe**, and reasonable service and facilities, and [] make all such . . . improvements in or to such service and facilities as . . . necessary or proper for the **accommodation, convenience, and safety of its patrons, employees, and the public.**").

PECO objects to this proposal by claiming the "request is unnecessary as PECO already employs a vigorous review process to vet the qualifications for each responsive

---

<sup>14</sup> PECO's Main Brief at p. 8; Exh. IBEW-7 at 13.

contractor proposal.”<sup>15</sup> Further, PECO claims that “once a contractor is selected, the PECO agreements ‘include extensive terms and conditions that impose requirements in virtually all the areas identified by Mr. Anastasi, including explicit provisions requiring contractors to provide qualified employees and to document those qualifications when required.’”<sup>16</sup>

The Union notes that PECO does not explain what the “vigorous review process” entails, or what qualifications are being screened prior to selecting a contractor. Likewise, while the contracts require qualified employees and documentation of such “when required,” it does not appear that PECO has any actual knowledge of whether these provisions are being adhered to.

Furthermore, if PECO is already largely in compliance with IBEW Local 614’s proposal as it claims, then presumably, PECO agrees that qualified contractors must meet these requirements in order for PECO to provide safe and reliable service to its customers, employees, and the public. As such, it is not unreasonable for the Commission to adopt this agreement via Order to monitor and ensure PECO is living up to its promises with regards to contracting with qualified companies.

## **B. PECO’s Vacancy Rate, Budgeting and Workforce Planning Process**

### **1. Employee Complement/Vacancy Rate**

In its Main Brief, PECO rejects IBEW Local 614’s request for a change to PECO’s hiring and recruitment practices *vis-à-vis* focusing more heavily on recruiting from trade

---

<sup>15</sup> PECO’s Main Brief at p. 9.

<sup>16</sup> *Id.* (citing PECO St. 1-R, p. 12).

and vocational schools, creating “Lead” positions for internal career advancement, and offering training for the same along with technology advancements.<sup>17</sup> Specifically, PECO believes its current recruitment activities, including its Field Operations schools, are sufficient to increase its projected headcounts from 2,215 full-time equivalent employees (“FTEs”), to 2,340 FTEs by December 31, 2024, and 2,373 FTEs by December 31, 2025.<sup>18</sup> In support, PECO offers that the scheduled schools for FTY and FPFTY are expected to result in over 110 graduates hired into the Company’s Field Ops by the end of FPFTY.<sup>19</sup>

Applying some basic math, PECO anticipates hiring 110 of the projected 158 new FTEs over the course of FTY and FPFTY from among the graduates of its Field Ops schools. While these do not appear to be bad odds at first glance, PECO’s plans notably do not address how it plans to replace employees expected to retire in 2024 and 2025. In response to IBEW 1st Set of Interrogatories, PECO provided that for the 12 job classifications the Union requested employee retirement eligibility for, 168 employees are eligible to retire by December 31, 2025.<sup>20</sup> Therefore, accounting for both the 48 FTEs who PECO does not plan to hire through its Field Ops schools, and the more than 168 potential open positions due to retirements (accounting for other classifications not requested in IBEW-1-37), PECO would need to treble its expected graduate hires from its Field Ops schools if it truly plans to rely so heavily on these schools for recruitment.

---

<sup>17</sup> *Id.* at p. 11.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at pp. 11–12.

<sup>20</sup> Exh IBEW-6 at Response IBEW-1-37.

To date, however, PECO has not committed to increasing the number of its Field Ops schools and has not shown how it would otherwise recruit such significant numbers. As such, IBEW Local 614 does not believe PECO has met its burden of proving a 2% vacancy factor is appropriate. As such, and consistent with the Union's argument in its Main Brief, IBEW Locally 614 adopts the Office of Consumer Advocate ("OCA")'s proposal for a 4.4% vacancy rate.<sup>21</sup>

## 2. Budgeting Concerns

In response to the Union's concern that the Company's budget process and hiring plan is ineffective because PECO does not budget by job classification, PECO explains that its financial budget reflects various payroll levels of the Company's employees rather than the individual job classifications.<sup>22</sup> PECO argues that budgeting by employee classification is "not necessary" at that "level of granularity" because the financial budget does not govern hiring.<sup>23</sup>

IBEW Local 614 strongly disagrees with PECO's explanation. Not only are employees in different job classifications but similar payroll levels not interchangeable, but each job classification will require tailored processes to recruit and train new recruits. For example, a Designer cannot substitute for an Overhead Transmission Lineman if a crew falls short. Moreover, the Overhead Transmission Lineman will require a different type and amount of training than the Designer. These differing recruitment strategies, training

---

<sup>21</sup> OCA Statement No. 1, Direct Testimony of John Defever at p. 9.

<sup>22</sup> PECO's Main Brief at pp. 13–14.

<sup>23</sup> *Id.* at p. 14.

requirements, and work experiences will necessarily vary the costs of hiring and retaining these employees, thus it is necessary to budget differently based on job classification rather than payroll level.

### 3. Vegetation Management

Finally, in response to IBEW Local 614's proposal to bring vegetation management in-house, PECO claims that it is not a utility line clearance, tree care, or arborist company" and that it would be "inefficient, burdensome, and counter to industry practice" for PECO to implement large-scale utility line clearance operations.<sup>24</sup> To that, the Union will remind PECO that vegetation management is critical to providing safe and reliable service to its customers, and that outsourcing nearly 100% of this work is not cost-efficient. Since PECO already hires certified arborists and utility arborists to "oversee" this work, then the next step would be to hire crews, under the direction of these arborists, to perform this work internally. The long and short of it is that PECO is contracting out this work on a full-time basis at a premium rate to customers; bringing this work in-house would save ratepayers money and ensure customers are not being overcharged for these critical services.<sup>25</sup>

#### **C. IBEW's Proposals for Additional Reporting Requirements**

For the reasons set forth in IBEW Local 614's Main Brief in Section IV(C), the Union respectfully requests the Commission require PECO to submit, on an annual basis, the following reports:

---

<sup>24</sup> *Id.* at p. 14.

<sup>25</sup> *Id.* at p. 9.

## 1. Annual Workforce Planning Report

In its Main Brief, PECO challenges the Workforce Planning Report on two grounds: first, that adjusting for COVID-19 set-backs, PECO has historically averaged a 2% vacancy rate, and that recruitment efforts for Field Ops positions through its schools and for administrative and CSR positions through its standard recruiting efforts will easily maintain that average; and second, PECO claims that a Workforce Planning Report was only required by the Arizona Corporation Commission in **Exh. IBEW-4** due to specific workforce challenges that are not present here.

As addressed above in Section III(B)(1), PECO's stated hiring plan falls far short of recruiting and hiring enough employees through its Field Ops schools to meet its anticipated headcounts after accounting for anticipated retirements. Further, PECO's poor budgeting process makes its ability to self-assess and strategically plan to meet its hiring needs highly suspect. As such, IBEW Local 614 contends that PECO is facing specific workforce challenges that supports the Commission requiring PECO to submit a Workforce Planning Report. Since PECO is already doing this on a departmental level,<sup>26</sup> it should not be burdensome on the Company to submit the same in this docket.

As such, and for the reasons set forth above and in IBEW Local 614's Main Brief in Section IV(C), IBEW Local 614 respectfully requests PECO be required to file and serve an Annual Workforce Planning Report by May 30 of each year, consistent with that of **Exh. IBEW-4**.

---

<sup>26</sup> *Id.* at p. 14.

## 2. Annual Capital and O&M Project Lists

The Company objects to the IBEW Local 614's proposal for annual submission of Capital and O&M Project Lists on two grounds: first, that PECO does not have, and is not requesting a multi-year rate plan like that in Maryland; and second, that this reporting requirement would be duplicative of its annual asset optimization plan ("AAOP"), which provides information regarding capital project expenditures and capital work that it completed compared with the LTIP.<sup>27</sup>

As for PECO's first point, it is immaterial that the Maryland Public Service Commission required these project lists as part of a multi-year rate plan. As explained in the Union's Main Brief, the Pennsylvania Public Service Commission has the authority to require a public utility "to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe and special reports concerning any matter whatsoever which the commission is authorized to inquire or to keep itself informed, or which it is required to enforce." 66 Pa. C.S.A. § 504. This type of report is useful to gauge the prudence of contract labor expenditures and other capital expenses, regardless of whether it is part of a multi-year rate plan or not.

As to PECO's second point, the Union is not asking for duplicative reports. However, to the extent IBEW Local 614 is requesting project lists for capital and O&M projects not reported in the AAOP, PECO has failed to articulate a reason why these reports are not highly relevant and useful for tracking runaway capital expenses.

---

<sup>27</sup> PECO's Main Brief at pp. 16–17.

For the reasons set forth above and in the Union’s Main Brief in Section IV(C)(2), the Union requests that PECO be required to file a Capital and O&M Project List Reports in this docket and serve copies of the same to all intervenors by May 30 of each year until its next rate application.

### 3. Annual Reconciliation of Rate Base and Operating Income

As stated in the Union’s Main Brief, while PECO’s commitment to preparing a comparison of its actual expenses and rate base additions for the twelve months ending on December 31, 2025, to its projections in this case is a step in the right direction, this report still falls short of IBEW Local 614’s request here. Requiring an annual reconciliation will provide some much-needed transparency to the utilities projected versus actual costs, and track PECO’s ability to stay on budget. Further, providing this transparency is useful regardless of whether the utility is applying for a rate increase in a multi-year rate plan.

The Union respectfully requests that PECO be required to file an annual Reconciliation filing in this docket and serve copies on all intervenors by May 30 of each year until its next rate application.

### 4. Schedule of Affiliate Transactions

PECO objects to this reporting requirement on the basis that (1) Delaware, which ordered the model report admitted as **Exh. IBEW-1**, has different regulatory requirements not found in Pennsylvania, and (2) unlike in Delaware, PECO’s affiliate agreements are subject to Commission review and approval.<sup>28</sup>

---

<sup>28</sup> *Id.* at pp. 18–19.

IBEW Local 614 strongly believes an annual reporting requirement sharing Exelon-affiliated transactions is appropriate and necessary to address concerns regarding PECO's corporate affiliation with Exelon. As acknowledged by PECO, affiliate transactions are subject to Commission review and approval. Providing a schedule of affiliate transactions would thus further the ability of the Commission to perform this function, as well as providing parties in PECO's base rate cases with the information needed to challenge the prudence of these transactions. Additionally, these reports would shed some much-needed light on PECO's reliance on, amongst other things, the resources and labor of the other members of the Exelon family of companies so that the Commission can actually review and approve of these expenses.

The Union requests that PECO be required to submit an annual Affiliate Transactions report, similar to that of Exh. IBEW-1, in this docket and serve a copy of the same to all intervenors by May 30 of each year until its next rate application.

#### **IV. CONCLUSION**

For the reasons set forth above and in IBEW Local 614's Main Brief, the Union respectfully requests the relief it prayed for in its Main Brief.

///

///

///

RESPECTFULLY SUBMITTED this 12th day of September, 2024.

LUBIN & ENOCH, P.C.  
SPEAR WILDERMAN, P.C.

By: /s/ Nicholas J. Enoch  
Nicholas J. Enoch (Arizona State Bar No. 16473)  
*Admitted pro hac vice*  
349 North Fourth Avenue  
Phoenix, Arizona 85003-1505  
Phone: (602) 234-0008  
Fax: (602) 626-3586  
[nick@lubinandenoach.com](mailto:nick@lubinandenoach.com)

Charles T. Joyce, Esq.  
Attorney ID: 51254  
Spear Wilderman, P.C.  
230 South Broad Street, Suite 1650  
Philadelphia, PA 19102  
Phone: 215-732-0101  
[CTJoyce@spearwilderman.com](mailto:CTJoyce@spearwilderman.com)

*Counsel to Intervenor IBEW Local 614*