

COMMONWEALTH OF PENNSYLVANIA



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December 31, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for
Approval of its Act 129 Phase V Energy
Efficiency and Conservation plan
Docket No. M-2025-3057328

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Olivia Spergel
Olivia M. Spergel, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 337929
E-Mail: OSpergel@paoca.org

Enclosures

cc: The Honorable Marta Guhl (**email only:** mguhl@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Petition of PECO Energy Company for :
Approval of its Act 129 Phase V Energy : Docket No. M-2025-3057328
Efficiency and Conservation plan :

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Conference Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 31st day of December 2025.

SERVICE BY E-MAIL ONLY

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Dated: December 31, 2025

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Counsel for:

Darryl A. Lawrence

Consumer Advocate

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re: Petition of PECO Energy Company :
for Approval of Its Act 129 Phase V : Docket No. M-2025-3057328
Energy Efficiency and Conservation Plan :

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and in response to the Prehearing Conference Order in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

On October 15, 2008, Act 129 of 2008 (Act 129 or the Act) was signed into law by Governor Edward G. Rendell. Act 129 made numerous amendments to Chapter 28 of the Public Utility Code and required the seven major electric distribution companies (EDCs) to file energy efficiency and conservation plans (EE&C Plans), which occurred in the summer of 2009. On December 1, 2025, PECO Energy Company (PECO or the Company) filed the Petition of PECO Energy Company for Approval of Its Act 129 Phase V Energy Efficiency and Conservation Plan (Petition), pursuant to Section 2806.1 of the Public Utility Code and pursuant to the Phase V Implementation Order entered by the Commission at Docket No. M-2025-3052826 on June 18, 2025.

The five-year cost of the Company's Phase V Energy Efficiency and Conservation Plan (hereafter, Phase V Plan) is projected to be \$427.4 million. Petition at 9. The Company's programs

are designed to produce: (1) 1,458,076 MWh in energy savings, or 131% of PECO's overall energy savings target; and (2) 264.5 MW of PDR, or 136% of its PDR target. *Id.* at 1. With respect to residential customers, PECO has proposed the following four residential customer energy efficiency programs: (1) The Residential Program; (2) The Residential Low-Income Subprogram; (3) The Residential Home Energy Reports (HER) Program; and (4) Residential Low-Income HER Subprogram. *Id.* at 9-10.

On December 2, 2025, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed its Petition to Intervene and Answer in the matter, and the Tenant Union Representative Network (TURN) filed its Petition to Intervene. The OCA filed a Notice of Intervention and Public Statement on December 9, 2025. On December 18, 2025, the Philadelphia Area Industrial Energy Users Group (PAIEUG) filed its Petition to Intervene. On December 19, 2025, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Public Statement. The City of Philadelphia and Philadelphia Energy Authority (PEA) filed a Petition to Intervene on December 26, 2025. The filing was assigned to the Office of Administrative Law Judge and further assigned to Administrative Law Judge Marta Guhl (ALJ) for investigation. On December 30, 2025, the ALJ issued a Prehearing Conference Order. A Prehearing Conference on this matter will be held on January 5, 2026.

II. ISSUES

Based upon a preliminary analysis of the Company's filing, the OCA has compiled a list of issues that it anticipates will be included in its investigation of the filings. It is anticipated that other issues may arise and may be pursued during the course of these proceedings.

The following list sets forth the issues at this time that the OCA anticipates it will examine:

- (1) Whether the proposed energy conservation plan and the individual program design

meets the requirements of Section 2806.1 of the Code and the Commission's Phase V Implementation Order;

(2) Whether the portfolio of programs proposed is reasonably balanced and whether the programs are distributed across rate classes;

(3) Whether the Plan is reasonable and meets the requirements of Section 2806.1 and the Phase V Implementation Order for low-income customers;

(4) Whether the design of the proposed demand reduction measures included in the Peak Demand Reduction program are reasonable and appropriately meet the requirements of the Phase V Implementation Order's identified demand reduction targets;

(5) Whether reliance on residential behavior for savings using HERs is reasonable;

(6) Whether reliance on residential and non-residential lighting measures for savings is reasonable;

(7) Whether the omission of projecting savings from Commercial and Industrial daily load shifting is reasonable;

(8) Whether the Plan's projected multifamily non-low-income savings is reasonable;

(9) Whether the proposed cost recovery mechanisms, including the proposed budgets, are reasonable;

(10) Whether the proposals to recover costs for its Plan through the Phase V Energy Efficiency & Conservation Program Charge and the separate recovery charge for each customer class are reasonable;

(11) Whether the proposed program measures, including the cost-effectiveness of the Plan, are reasonable as measured by the Total Resource Cost (TRC) test;

(12) Whether the proposed measurement and verification and evaluation plan is

appropriate and reasonable; and

(13) Whether the frequency of the stakeholder meetings is sufficient.

The OCA reserves the right to raise additional issues as may be necessary.

III. WITNESSES

The OCA will present the direct, rebuttal and surrebuttal testimony, as may be necessary, of Mr. Zack Tyler in this proceeding. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, answers to interrogatories, and testimony be mailed and/or emailed directly to the OCA's group email formed particularly for this proceeding.

Zack Tyler
Energy Futures Group
P.O. Box 587
Hinesburg, VT 05461

The OCA specifically reserves the right to call additional witnesses, as necessary. If the OCA determines that additional witnesses will be necessary for any portion of its case, it will notify all parties of record immediately.

IV. SERVICE ON THE OCA

The OCA respectfully requests that the Presiding Officer permits electronic service without the requirement of a follow-up hard copy. The OCA will be represented in this case by the attorneys listed below.

Katherine "Katie" Kennedy, Assistant Consumer Advocate
Olivia M. Spergel, Assistant Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
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The OCA has created a group e-mail address provided above. This is the only email address that is required for service on the OCA. The OCA's group email address will provide the emailed

materials to all members of the OCA team including the consultant listed above.

The OCA also requests that the ALJ instruct the parties on the record as to whether consumers who have filed answers or comments in this proceeding should be included on the official service lists if those consumers have not indicated either at the prehearing conference, or prior to the prehearing conference, that they wish to be active parties to this proceeding.

For the purposes of the Prehearing Conference, Katie Kennedy will be the primary attorney speaking on behalf of the OCA.

V. PROPOSED SCHEDULE

The OCA continues to work with the Company and the parties on a procedural schedule that is a reasonable compromise of the parties' competing interests within the time afforded for litigation of this matter. The OCA proposes the following schedule:

Other Parties' Direct Testimony	January 16, 2026
Rebuttal Testimony (all parties and all issues)	January 23, 2026
Evidentiary Hearing	January 28, 2026
Main Briefs	February 4, 2026
Reply Comments	February 16, 2026

The OCA requests that the dates included in any litigation schedule in this matter be considered "in-hand" dates and that electronic service on the due date will satisfy the "in-hand" requirement.

VI. SETTLEMENT

The OCA will participate in settlement discussions in this matter.

VII. DISCOVERY

The OCA proposes the following modifications to the Commission's procedural rules

regarding discovery. The OCA requests that the Presiding Officer direct that the modifications will take effect when addressed during the on the record prehearing conference and apply to all future discovery requests served on and after the date of the prehearing conference (January 5, 2026). The OCA also requests that any outstanding interrogatories or requests for admissions are due no later than 5 calendar days after the Prehearing Conference to the extent such responses are due later than such date, in accordance with Paragraph A below.

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within five (5) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within three (3) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- E. Rulings on such motions shall be issued, if possible, within seven (7) calendar days of the filing of the motions.
- F. Requests for admissions will be deemed admitted unless answered within five (5) calendar days or objected to within three (3) calendar days of service.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

VIII. PREHEARING PROCEDURES

At the Prehearing Conference, the OCA requests an on-the-record discussion regarding

font size requirements and page limitations for briefing.

The OCA requests that the ALJs in their Prehearing Conference Order and Evidentiary Hearing Notice clarify that:

A. Evidentiary hearing exhibits need not include all pre-served testimony which is circulated to the ALJs and parties in this proceeding in accordance with the procedural schedule. However, such pre-served testimony may be identified for movement into the record at the hearing through an inventory of pre-served testimony which is provided as a hearing exhibit.

B. Evidentiary hearing exhibits may be provided to the ALJs and parties by 10am the day before the start of evidentiary hearings with the exception of hearing exhibits related to rejoinder which may be provided by the end of the day on same day.

Respectfully submitted,

/s/ Olivia M. Spergel

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DATED: December 31, 2025

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