

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company	:	P-2015-2471423
for Approval of its Electric Long-Term	:	C-2015-2476587
Infrastructure Improvement Plan and to Establish	:	
a Distribution System Improvement Charge for Its	:	
Electric Operations	:	

RECOMMENDED DECISION

Before
Darlene D. Heep
Administrative Law Judge

INTRODUCTION

On October 22, 2015, the Commission approved the PECO Energy Company Petition for Approval of its Electric Long-Term Infrastructure Improvement Plan (LTIIIP) and to Establish a Distribution System Improvement Charge (DSIC) for its Electric Operations. The Commission concurrently referred two issues relative to the DSIC to the Office of Administrative Law Judge for determination. The issues are: 1) Whether customers taking service at transmission voltage rates should be included under the DSIC charge; and 2) If revenues associated with the riders in PECO's tariff are properly included as distribution revenues.

The parties have filed a Joint Petition for Complete Settlement. (Joint Petition or Settlement). This decision recommends that the Commission approve the Joint Petition because the settlement proposed resolves the issues referred to the Office of Administrative Law Judge by the Commission, is both just and reasonable and its approval is in the public interest.

HISTORY OF THE PROCEEDING

On March 27, 2015, PECO Energy Company (PECO or Petitioner) filed with the Pennsylvania Public Utility Commission (Commission) its Petition of PECO Energy Company for Approval of its Electric Long-Term Infrastructure Improvement Plan and to Establish a Distribution System Improvement Charge for its Electric Operations (Petition). The DSIC proposal sought to recover \$274.3 million in projected capital investments and \$50 million for facility relocations, to be used to improve and replace portions of PECO's electric distribution system.

On April 10, 2015, the Office of Consumer Advocate (OCA), through its counsel, filed a Public Statement and a formal Complaint to PECO's Petition. The Complaint was docketed at C-2015-2476587.

On April 15, 2015, the Philadelphia Area Industrial Energy Users Group (PAIEUG), through its counsel, filed a Petition to Intervene and an Answer to PECO's Petition.

On April 16, 2015, the Office of Small Business Advocate (OSBA), through its counsel, filed a Notice of Intervention, Public Statement, and Answer to PECO's Petition.

By Order entered on October 22, 2015, the Commission determined that PECO's Petition complied with the requirements of Act 11 and its Final Implementation Order.¹ The Commission reviewed the filing and did not find it to be inconsistent with the applicable law or Commission policy. However, the Commission referred the following issues to the Office of Administrative Law Judge (OALJ) for disposition:

1. Whether customers taking service at transmission voltage rates should be included under the DSIC charge; and
2. If revenues associated with the riders in PECO's tariff are properly included as distribution revenues.

In April of 2016, Administrative Law Judge Christopher Pell and Administrative Law Judge Darlene Heep were assigned as presiding officers. In accordance with a Prehearing Conference Order dated May 2, 2016, PECO, OCA, OSBA, and PAIEUG submitted prehearing memoranda to the presiding officers.

A telephonic prehearing conference was held on Thursday, May 19, 2016, at 10:00 a.m. Counsel for PECO, OCA, OSBA, and PAIEUG participated. During the conference, the parties requested that a hearing date not be set to allow the parties time to discuss settlement.

By Prehearing Order #1 dated June 14, 2016, the parties of record were identified and the procedures applicable to this proceeding were established.

¹ *Implementation of Act 11 of 2012 – Final Implementation Order*, Docket No. M-2012-2293611 (August 2, 2012).

In December of 2016, the parties indicated that they were unable to resolve this matter. By email dated January 6, 2017, the parties proposed a procedural schedule and hearing date for consideration. By email issued that same day, the parties were informed that the proposed schedule was acceptable. Accordingly, an evidentiary hearing was scheduled for March 21, 2017.

On February 27, 2017, the parties requested a continuance to allow time for additional settlement discussions. The parties also proposed a revised procedural schedule. The parties were informed that the proposed schedule was acceptable.

On March 13, 2017, this matter was re-assigned to the undersigned, Administrative Law Judge Darlene Heep. Additionally, the hearing was rescheduled for April 26, 2017 at 9:30 a.m.

On or about April 10, 2017, the undersigned was notified that the parties had reached a settlement.

On May 8, 2017, a Settlement Agreement, with Statements of Support, was filed.

FINDINGS OF FACT

1. PECO is an electric distribution company that operates in the southeastern portion of Pennsylvania subject to the jurisdiction of the Commission.
2. The Office of Consumer Advocate is authorized to represent the interests of consumers before the Commission. Act 161 of 1976, 71 P.S. Section 309-2.
3. The Office of Small Business Advocate (OSBA) is authorized and directed to represent the interests of small business consumers of utility service in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41-399.50.

4. Philadelphia Area Industrial Energy Users Group (PAIEUG) is an ad hoc group of energy customers receiving transportation-related services from PECO, including electric service under Rate HT.

5. In 2015, PECO filed a Petition for approval of its Electric Long-Term Infrastructure Improvement Plan (LTIIP) and a Distribution System Improvement Charge (DSIC).

6. OCA filed a Complaint and PAIEUG intervened in the 2015 Petition proceedings.

7. The Commission approved the PECO Energy Company's Petition by Order and Opinion dated October 22, 2015 at Docket No. P-2015-2471423.

8. In conjunction with the approval of the Petition, the Commission referred two issues to the Office of Administrative Law Judge for determination, namely: 1) Whether customers taking service at transmission voltage rates should be included under the DSIC charge; and 2) If revenues associated with the riders in PECO's tariff are properly included as distribution revenues.

9. On May 8, 2017, the parties filed a Joint Petition for Complete Settlement of the issues referred.

10. For purposes of the Settlement, the parties stipulated to the following facts which are adopted as FOFs:

a) Per the Commission's Final Implementation Order, "DSIC surcharges are to be applied to any customers served from higher voltage facilities which are included within the EDC's distribution plant for ratemaking purposes."

b) PAIEUG member K-C takes electric service under PECO's Rate HT from PECO's 69 kV transmission line.

- c) K-C's predecessor (Scott Paper) paid for and constructed a 69-kV high voltage Tap ("Paper Tap Substation") before dedicating the assets to PECO.
- d) PECO owns the 69 kV Paper Tap Substation serving K-C.
- e) K-C owns, constructed, and paid for the 69-kV substation connected to PECO's 69 kV Paper Tap.
- f) The Cost of Service Study prepared for PECO's 2015 Electric Base Rate Case allocated costs for distribution plant such as substations, poles, towers, fixtures, overhead conductors, and underground conduit/conductors to Rate HT.
- g) The Cost of Service Study prepared for PECO's 2015 Electric Base Rate Case did not identify specific distribution facilities serving K-C.
- h) Pursuant to PECO's 2015 Electric Base Rate Case Settlement, the parties agreed, in part, as follows:

In the period until PECO's next base rate case, it will collect additional data regarding coincident peaks of customer generation and other data issues regarding the operation of the CRR [Capacity Reservation Rider], including: (1) a more granular definition of distribution system costs for customers taking service at transmission voltage levels or at or within one span of a PECO-owned substation (i.e., transmission transformation service) and for customers with intermittent renewable generation." [Citation omitted].

DISCUSSION

This matter arises out of PECO's Petition for approval of the Electric Long-Term Infrastructure Improvement Plan (LTIIP) and Distribution System Improvement Charge (DSIC) of PECO Energy Company (PECO). The Petition was filed on March 27, 2015.

In its Petition to Intervene and Comment filed on April 15, 2015, PAIEUG raised concerns regarding the legality of PECO's intention to apply DSIC charges to transmission voltage customers taking service on rate schedule HT. PAIEUG also questioned whether

revenues associated with all the riders in PECO's tariff were properly included as distribution revenues.

The Commission approved the Petition for Approval of Long-Term Infrastructure Improvement Plan (LTIIIP) filed by PECO Energy Company and the Petition for Approval of a Distribution System Improvement Charge (DSIC). In the same Order, the Commission referred to the Office of Administrative Law Judge the two issues that are the subject of this proceeding.

The Commission also required that PECO Energy Company file a tariff, consistent with the Order, on ten days' notice to be effective January 1, 2016. Further, the Commission held that revenues collected pursuant to said tariff will be subject to refund and recoupment based on the Commission's final resolution of the matters referred herein to the Office of Administrative Law Judge for hearing and recommended decision.

On November 24, 2015, PECO filed *Supplement No. 140 to Tariff Electric - Pa.P.U.C. No. 4* to become effective on January 1, 2016. Supplement No. 140 established an initial DSIC charge of 0.00% in PECO's tariff.

The parties have filed a Joint Petition for Settlement, asserting that the settlement resolves both issues referred to the Office of Administrative Law Judge and that the settlement is fair, just, reasonable and in the public interest. The parties urge that the Settlement be approved.

APPLICABLE LEGAL PRINCIPLES

Commission policy promotes settlements. 52 Pa.Code § 5.231. Settlements lessen the time and expense the parties must expend litigating a case and at the same time conserve administrative hearing resources. The Commission has indicated that settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding.

52 Pa.Code § 69.401. LTIIIP and DSIC cases are expensive to litigate and the cost of such litigation at a reasonable level is an operating expense recovered in the rates approved by the Commission. This means that a settlement allows the parties to avoid the substantial costs associated with a fully litigated case, yielding significant expense savings for the Company's

customers. That is one reason why settlements are encouraged by long-standing Commission policy. *Pa. Pub. Util. Comm'n v. York Water Co.*, Docket No. R-00049165, (Final Order entered October 4, 2004)

In order to accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. C S Water & Sewer Assoc.*, 74 Pa. PUC 767 (1991); *Pa. Pub. Util. Comm'n v. Philadelphia Electric Co.*, 60 Pa. PUC 1 (1985).

The Joint Petition will be examined in accordance with the above principles.

TERMS OF THE PROPOSED SETTLEMENT

The Terms of the Settlement² are as follows:

Distribution Revenue

a) For all DSIC-related purposes, PECO's DSIC rate shall apply to the qualifying revenues set forth in the following table. The Nuclear Decommissioning Charge will be removed from base rates for the DSIC calculation. Additionally, the Non-Bypassable Transmission Charge and the State Tax Adjustment Surcharge ("STAS") will not be included in the DSIC calculation.

b) The Projected Quarterly Revenue component of the DSIC rate shall include the qualifying revenues set forth in the following table.

² As a preliminary matter, the Parties have stipulated to certain facts as a basis upon which the Settlement Terms pertaining to the transmission voltage issue were reached and should be considered. See FOF 10. Some of the stipulations pertain to one of PAIEUG's members, Kimberly-Clark Corporation ("K-C"), a PECO Rate HT customer. It is averred in the Settlement that there is a focus on the application of PECO's DSIC to K-C because the K-C service configuration is unique within the PECO system.

Qualifying Revenue for DSIC Rate

Qualifying Revenues For DSIC Rate	Qualifying Charges Non-Qualifying Charges (Included in the DSIC) (Excluded from the DSIC)
Fixed Charge	Nuclear Decommissioning Cost (will be removed from base rates for the DSIC calculation)
Variable Distribution Charge	Non-Bypassable Transmission Charge
High Voltage Discount	State Tax Adjustment
Applicable Riders (Includes the Capacity Reservation Rider Charges, CAP Rider, Commercial and Industrial Direct Load Control Rider, Economic Development Rider, Investment Guarantee Rider Charges, Residential Direct Load Control Rider, and Night Service Rider (GS, PD and HT rates).	
Consumer Education Charge	
Energy Efficiency & Conservation Charge	
Universal Service Fund Charge	
Tax Accounting Repair Credit	

Transmission Voltage

PECO will charge the DSIC to K-C according to the following terms and conditions:

- a) K-C's responsibility to pay the DSIC will be capped at a DSIC rate of 1.5% (of qualifying revenues set forth above in the *Qualifying Revenues for DSIC Rate* table) for K-C's Rate HT account.
- b) If PECO's DSIC goes above 1.5% while K-C is capped at 1.5%, PECO will forego surcharge recovery of amounts that would otherwise be charged to K-C, *i.e.* those amounts would not be recovered from other

ratepayers through the DSIC. However, PECO would only forego surcharge recovery from K-C for amounts that exceed the cap (the DSIC rate of 1.5%). The full amount of PECO's DSIC-eligible plant investment will be rolled into base rates in the Company's next base rate case proceeding.

c) The 1.5% cap for K-C will remain in effect until the implementation of new rates following PECO's next electric distribution base rate case proceeding.

d) Additionally, the Parties agree that the issue of whether or not any PECO customer(s) should be granted an exemption from DSIC charges under the transmission voltage provisions in the Commission's Final Implementation Order may be fully addressed, without prejudice, in PECO's next base rate case proceeding.³

e) The Direct Testimony submitted by PECO in the above-captioned docket shall not be offered into the record in this proceeding.

f) The Parties acknowledge that (notwithstanding the agreement to allow limited DSIC surcharge recovery in this proceeding for K-C) their actions pursuant to this agreement are undertaken to resolve a disputed claim and made without admission against, or prejudice to, any factual or legal position which any Party has asserted previously in connection with this proceeding. Specifically, this agreement does not result in concessions by any Party regarding the application of PECO's transmission and distribution system to K-C. The Parties reserve their rights to argue their respective positions on the application of PECO's transmission and distribution system as well as the quantitative application of the DSIC to K-C in a future base rate case or other litigated proceeding.

³ Parties' Stipulation (h) provides:

Pursuant to PECO's 2015 Electric Base Rate Case Settlement, the parties agreed, in part, as follows: "*In the period until PECO's next base rate case, it will collect additional data regarding coincident peaks of customer generation and other data issues regarding the operation of the CRR [Capacity Reservation Rider], including: (1) a more granular definition of distribution system costs for customers taking service at transmission voltage levels or at or within one span of a PECO-owned substation (i.e., transmission transformation service) and for customers with intermittent renewable generation.*"

Application of ADIT to the DSIC

- a) The Parties recognize that issues raised by OCA regarding the impact of 66 Pa. C.S. § 1301.1 on the treatment of income tax deductions and credits in the DSIC calculation are currently being litigated before the Commission. The Parties agree that in future DSIC filings, PECO will follow Commission directives regarding the inclusion of ADIT and adjustment of pre-tax rate of return ("PTRR") to flow-through state income tax deductions and credits (as those directives are relevant to PECO's specific rate calculations).

(Petition for Settlement at 8-11).

In addition, the conditions of settlement provide that the Parties acknowledge and agree that this Settlement shall have the same force and effect as if the Parties fully litigated this proceeding. The Parties maintain that the Settlement is conditioned upon the Commission's approval of the terms and conditions contained herein without modification, and that if the Commission modifies the Settlement, any Party may elect to withdraw from this Settlement and may proceed with litigation. In such event, the Settlement will be void and of no effect. The Parties indicated that election to withdraw must be made in writing, filed with the Secretary of the Commission, and served upon all Parties within five (5) business days after the entry of an order modifying the Settlement.

The Parties note that the Settlement is made without any admission against, or prejudice to, any position which any Party to the Settlement may adopt during any subsequent litigation of this or any other proceeding if the Commission fails to approve or otherwise modifies the Settlement to settle all issues in this proceeding. If the Commission does not approve the Settlement and the proceedings continue to hearing, the Parties reserve their respective rights to present additional testimony and to conduct full cross-examination, briefing, and argument. Except to the extent required to effectuate the terms and agreements of this Settlement in this, and future, proceedings involving PECO, the Commission's approval of this Settlement is not being construed to represent approval of any Party's position on any issue. The Parties understand and agree that Settlement is the result of compromise and does not necessarily represent the position(s) that would be advanced by any Party if this proceeding were fully litigated.

The Parties also note that this Settlement is being presented only in the context of this proceeding to resolve outstanding issues in a manner that is fair and reasonable. The Settlement is the product of compromise. Except for matters identified in Sections III and IV, for the specific time periods set forth therein, this Settlement is presented without prejudice to any position which any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues.

ISSUES PRESENTED and TERMS OF SETTLEMENT

The Proposed Settlement agreement addresses the issues presented by the Commission.

1. *Whether customers taking service at transmission voltage rates should be included under the DSIC charge.*

In the DSIC proceedings, PAIEUG expressed a concern regarding PECO's proposal to apply the DSIC to the transmission voltage customers. PAIEUG is particularly concerned with the DSIC application to K-C. The Settlement Agreement addresses this concern.

The Settlement Agreement provides that there will be a 1.5% cap on K-C's DSIC and that the issue will be re-examined further in the next rate case. It is anticipated that at that time more detailed information regarding distribution system costs for customers taking service at transmission voltage levels or at or within one span of a PECO-owned substation (i.e., transmission transformation service) and for customers with intermittent renewable generation will have been collected and will be available. See Stipulation (h) at Findings of Fact 10.

In its Statement in Support of the Joint Petition (PAIEUG SS), PAIUG asserts that these are appropriate limits on the DSIC as applied to K-C given the unique factual circumstances surrounding PECO's provision of service to K-C. PAIEUG finds this is a reasonable and just way to ensure that K-C's service is adequately addressed under the terms of

Act 11, which authorized electric distribution utilities, and others, to charge a DSIC (PAEIUG SS at 5).

As PECO notes in its Statement in Support of Joint Petition (PECO SS), the Settlement ensures that DSIC-paying customers will not subsidize K-C if the DSIC rate goes above 1.5%, leaving an assessment of the appropriateness and impact of a possible DSIC exemption to be decided in the next full base rate case. (PECO SS at 5). PECO emphasizes that it will only forego surcharge recovery from K-C amounts that exceed the 1.5% and that the full amount of PECO's DSIC eligible plant investments will be rolled into base rates in the next PECO base rate case proceedings. (PECO SS at 5).

OSBA in its Statement in Support of the Joint Petition (OSBA SS) avers that the Settlement will benefit all ratepayers, including PECO's small businesses customers. (OSBA SS at 4). Also, noted by OSBA is that while PECO has agreed to limit the K-C DSIC rate to 1.5% and forego recovering any amounts above 1.5% from other ratepayers, whether any PECO customer should receive an exemption may still be fully addressed, without prejudice, in PECO's next base rate case proceeding. (OSBA SS at 4).

OCA is of the position that the DSIC rate should apply to K-C and finds the settlement consistent with its position. (OCA SS 3) The compromise of capping the DSIC rate at 1.5% for applied to K-C is acceptable to OCA because the limitation will only remain in effect until PECO's next electric distribution rate case and PECO has agreed to forego recovering from other ratepayer's surcharges amounts that would otherwise be charged to K-C. (Id).

2. *If revenues associated with the riders in PECO's tariff are properly included as distribution revenues.*

In the settlement, the parties have agreed that PECO is to remove revenues from the DSIC that have been identified as non-distribution. Non-distribution revenues are properly excluded from the DSIC. 66 Pa.C.S. § 1353. Particularly here, the Nuclear Decommissioning Charge will be removed from base rates for the DSIC calculation and the Non-Bypassable

Transmission Charge and the State Tax Adjustment Surcharge ("STAS") will not be included in the DSIC calculation. A chart of qualifying and non-qualifying charges, as agreed to by the parties, is in the Agreement.

PECO notes that by the parties agreeing that PECO would remove charges that are not distribution in nature from base rate calculations, the settlement addresses and resolves all issues and questions concerning which riders should be included as qualifying revenues for calculating the DSIC in compliance with the Commission's Final Implementation Order. That Order states that "Act 11 makes clear that the DSIC cap for energy utilities is to be applied to *distribution* revenues only." *Implementation of Act 11 of 2012*, Docket No. M-2012-2293611 (Final Implementation Order entered August 2, 2012) ("Final Implementation Order") at 41 (emphasis in original).

Further, this portion of the settlement resolves PAIEUG's concern that non-distribution revenues were included in the calculation. (PAIEUG SS at 4). OCA's concerns are also addressed by PECO only including revenues derived from distribution services. (OCA SS at 2). OSBA avers that inclusion of the non-distribution revenues in the denominator of the underlying DSIC would artificially inflate the maximum amount of DSIC revenues permissible. (OSBA SS at 3). OSBA is satisfied that this settlement precludes such artificial inflation.

3. *Additional issue - ADIT, Adjustments and Credits*

OCA has concerns regarding the impact of Act 40, 66 Pa. C.S. § 1301.1, which took effect on August 11, 2016, on the treatment of income tax deductions and credits in the DSIC calculation. The Section provides as follows:

Computation of income tax expense for ratemaking purposes.

(a) Computation.--If an expense or investment is allowed to be included in a public utility's rates for ratemaking purposes, the related income tax deductions and credits shall also be included in the computation of current or deferred income tax expense to reduce rates. If an expense or investment is not allowed to be included in a public utility's rates, the related income tax

deductions and credits, including tax losses of the public utility's parent or affiliated companies, shall not be included in the computation of income tax expense to reduce rates. The deferred income taxes used to determine the rate base of a public utility for ratemaking purposes shall be based solely on the tax deductions and credits received by the public utility and shall not include any deductions or credits generated by the expenses or investments of a public utility's parent or any affiliated entity. The income tax expense shall be computed using the applicable statutory income tax rates.

(b) Revenue use.--If a differential accrues to a public utility resulting from applying the ratemaking methods employed by the commission prior to the effective date of subsection (a) for ratemaking purposes, the differential shall be used as follows:

- (1) fifty percent to support reliability or infrastructure related to the rate-base eligible capital investment as determined by the commission; and
- (2) fifty percent for general corporate purposes.

(c) Application.--The following shall apply:

- (1) Subsection (b) shall no longer apply after December 31, 2025.
- (2) This section shall apply to all cases where the final order is entered after the effective date of this section.

(June 12, 2016, P.L.332, No.40, eff. 60 days)

Of particular concern to OCA is the section stating “If an expense or investment is not allowed to be included in a public utility's rates, the related income tax deductions and credits, including tax losses of the public utility's parent or affiliated companies, shall not be included in the computation of income tax expense to reduce rates.”

The parties note that the application of this provision is currently a subject of litigation before the Commission and reference *Pa. Pub. Util. Comm'n, et al. v. Met. Ed. Co.*, Docket No. R-2016-2537349 (Opinion and Order issued January 19, 2017). *See also* Docket Nos. P-2015-2508942, P-2015-2508936, P-2015-2508931 and P-2015-2508948. As part of this settlement, the parties have agreed that in future DSIC filings, PECO will follow Commission directives that may arise out of that litigation regarding the inclusion of ADIT and adjustment of pre-tax rate of return to flow-through state income tax deductions and credits. (PECO SS at 5-6).

Whether or not ADIT is included in rate base for DSIC purposes will affect the DSIC calculation, but it does not affect which customers should be included under the DSIC or whether revenues associated with particular riders should be included as distribution revenues.

Also, as noted by OCA in its Statement in Support of the Joint Petition (OCA SS), an agreement that PECO will follow the directives of Commission that follow from pending litigation rather than the expense and time of litigating the matter yet again here serves the interest of all parties and the public. (OCA SS at 4).

SETTLEMENT IN THE PUBLIC INTEREST

This settlement is in the public interest. It eliminates the need for expensive full litigation, avoids the expense of appeals and does not prejudice the position of the parties in future proceedings. As OSBA states, the settlement will allow it to steer its resources elsewhere. (OSBA SS at 4). This applies to the other parties as well.

Further, the settlement prevents duplicative litigation on an issue currently in litigation before the Commission, particularly the effect of Act 40 on the DSIC calculations. All parties have agreed to follow the Commission's directives that arise out of that litigation. Additionally, all issues presented by the Commission are resolved with this settlement.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. To determine whether a settlement should be approved, the Commission must decide whether the settlement promotes the public interest. *Pa. Pub. Util. Comm'n v. C S Water & Sewer Assoc.*, 74 Pa. PUC 767 (1991); *Pa. Pub. Util. Comm'n v. Philadelphia Electric Co.*, 60 Pa. PUC 1 (1985).

3. The settlement terms and conditions contained in the Joint Petition For Settlement at Docket Number P-2013-2347340 submitted by PECO Energy Company, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small

Business Advocate and the Philadelphia Area Industrial Energy Users Group are just, reasonable and in the public interest.

4. The Joint Petition for Settlement at Docket Number P-2015-2471423 submitted by PECO Energy Company, the Office of Consumer Advocate, the Office of Small Business Advocate and the Philadelphia Area Industrial Energy Users Group promotes the public interest and therefore should be approved as submitted, without modification.

ORDER

THEREFORE,

IT IS RECOMMENDED:

1. That the Joint Petition For Settlement, including all appendices, is admitted into the record of the proceeding at Docket Number P-2015-2471423;
2. That the terms and conditions contained in the Joint Petition For Settlement at Docket Number P-2015-2471423 submitted by PECO Energy Company, the Office of Consumer Advocate, the Office of Small Business Advocate and the Philadelphia Area Industrial Energy Users Group be approved and adopted without modification;
3. That the Complaint filed by the Office of Consumer Advocate at Docket No. C-2015-2475764 be deemed satisfied;
4. That the Commission investigation at Docket No. P-2015-2471423 be terminated and marked closed.

Date: August 7, 2017

_____/s/_____
Darlene Heep
Administrative Law Judge