



COMMONWEALTH OF PENNSYLVANIA

April 2, 2020

E-FILED

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

**Re: Petition Of PECO Energy Company For Approval Of Its Default Service Program
For The Period From June 1, 2020 Through May 31, 2025 / Docket No. P-2020-
3019290**

Dear Secretary Chiavetta:

Enclosed please find the Answer, Notice of Intervention, Public Statement and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PECO Energy Company For :
Approval Of Its Default Service Program :
For The Period From June 1, 2020 : **Docket No. P-2020-3019290**
Through May 31, 2025 :

**ANSWER OF SMALL BUSINESS ADVOCATE
TO PETITION OF PECO ENERGY COMPANY**

Pursuant to 52 Pa. Code §5.61, the Office of Small Business Advocate (“OSBA”) hereby answers the Petition of the PECO Energy Company (“PECO” of the “Company”) for Approval of its Default Service Program for the period from June 1, 2020 through May 31, 2025 (“DSP V Petition”) filed with the Pennsylvania Public Utility Commission (“Commission”) on March 13, 2020, and avers the following in support thereof:

I. INTRODUCTION

1. Admitted.
2. Admitted.
3. Admitted. By way of further response, 66 Pa. C.S. § 2807(e) speaks for itself.
4. Admitted. By way of further response, Act 40 of 2017 and 73 P.S. § 1648.3 speak for themselves.
5. Admitted. By way of further response, 52 Pa. Code § 54.185 speaks for itself.
6. Admitted in part, denied in part. By way of further response, the Commission Order referenced in Paragraph 6 is a written document and speaks for itself. It is denied that the language in the second bullet point in Paragraph 6 is quoted accurately by the Company. The referenced language in the Commission Order reads:

We also agree with those parties, especially PPL, that the standard must give the DSP sufficient latitude to select contracts that constitute a “prudent mix” which includes a sufficient variety of products that adequately take into consideration price volatility, changes in generation supply, customer usage characteristics and the need to assure safe and reliable service.¹

7. Admitted in part. By way of further answer, the Commission Orders referenced in Paragraph 7 are written documents and speak for themselves.

8. Admitted in part. By way of further answer, the Commission Order and Secretarial Letter referenced in Paragraph 8 are written documents and speak for themselves.

9. The averments in Paragraph 9 constitute a prayer for relief to which no response is necessary.

10. The averments in Paragraph 10 constitute a prayer for relief to which no response is necessary.

11. The averments in Paragraph 11 constitute a prayer for relief to which no response is necessary.

II. PECO'S DEFAULT SERVICE PROCUREMENT AND IMPLEMENTATION PLANS

A. Procurement Classes, Program Term, and Supply Portfolio

12. Admitted in part. The averments in Paragraph 12 that describe PECO's proposal regarding procurement groups for DSP V constitute a prayer for relief to which no response is necessary.

13. Admitted in part. The Order referenced in Paragraph 13 and 52 Pa. Code § 69.1804 speak for themselves.

¹ Final Rulemaking Order, entered on October 4, 2011, at Docket No. L-2009-2095604.

14. The averments in Paragraph 14 constitute a prayer for relief to which no response is necessary.

15. The averments in Paragraph 15 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 15 are denied, and strict proof thereof is demanded.

16. The averments in Paragraph 16 constitute a prayer for relief to which no response is necessary.

17. The averments in Paragraph 17 constitute a prayer for relief to which no response is necessary.

18. The averments in Paragraph 18 constitute a prayer for relief to which no response is necessary.

19. Admitted in part, denied in part. By way of further answer, 52 Pa. Code § 54.186(b)(4) speaks for itself. The remaining averments in Paragraph 19 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 19 are denied, and strict proof thereof is demanded.

20. The averments in Paragraph 20 constitute a prayer for relief to which no response is necessary.

21. The averments in Paragraph 21 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 21 are denied, and strict proof thereof is demanded.

22. The averments in Paragraph 22 constitute a prayer for relief to which no response is necessary.

B. Competitive Bid Solicitation Process and Independent Evaluator

23. The averments in Paragraph 23 constitute a prayer for relief to which no response is necessary.

24. The averments in Paragraph 24 constitute a prayer for relief to which no response is necessary.

25. The averments in Paragraph 25 constitute a prayer for relief to which no response is necessary.

C. Consistency with Regional Transmission Organization Requirements

26. The averments in Paragraph 26 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 26 are denied, and strict proof thereof is demanded.

D. AEPS Compliance

27. The averments in Paragraph 27 constitute a prayer for relief to which no response is necessary.

28. The averments in Paragraph 28 constitute a prayer for relief to which no response is necessary.

29. The averments in Paragraph 29 constitute a prayer for relief to which no response is necessary.

30. The averments in Paragraph 30 constitute a prayer for relief to which no response is necessary.

31. The averments in Paragraph 31 constitute a prayer for relief to which no response is necessary.

III. CONTINGENCY PLANS

32. The averments in Paragraph 32 constitute a prayer for relief to which no response is necessary.

33. The averments in Paragraph 33 constitute a prayer for relief to which no response is necessary.

IV. RATE DESIGN AND COST RECOVERY

A. Generation Supply Adjustment

34. Denied. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averment in Paragraph 34.

35. The averments in Paragraph 35 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 35 are denied, and strict proof thereof is demanded.

36. The averments in Paragraph 36 constitute a prayer for relief to which no response is necessary.

37. The averments in Paragraph 37 constitute a prayer for relief to which no response is necessary.

B. Time-of-Use Rate Options

38. The averments in Paragraph 38 constitute a prayer for relief to which no response is necessary.

39. The averments in Paragraph 39 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 39 are denied, and strict proof thereof is demanded.

1. TOU Product Structure and Rate Design

40. The averments in Paragraph 40 constitute a prayer for relief to which no response is necessary.

41. The averments in Paragraph 41 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 41 are denied, and strict proof thereof is demanded.

42. The averments in Paragraph 42 constitute a prayer for relief to which no response is necessary.

43. The averments in Paragraph 43 constitute a prayer for relief to which no response is necessary.

44. The averments in Paragraph 44 constitute a prayer for relief to which no response is necessary.

45. The averments in Paragraph 45 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 45 are denied, and strict proof thereof is demanded.

2. Customer Eligibility

46. The averments in Paragraph 46 constitute a prayer for relief to which no response is necessary.

47. The averments in Paragraph 47 constitute a prayer for relief to which no response is necessary.

48. The averments in Paragraph 48 constitute a prayer for relief to which no response is necessary.

3. Net Metering Customers

49. Admitted in part. By way of further answer, the April 2017 Secretarial Letter is a written document that speaks for itself.

50. The averments in Paragraph 50 constitute a prayer for relief to which no response is necessary.

4. Implementation Plan and Cost Recovery

51. The averments in Paragraph 51 constitute a prayer for relief to which no response is necessary.

52. The averments in Paragraph 52 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 52 are denied, and strict proof thereof is demanded.

V. RETAIL MARKET ENHANCEMENTS

53. The averments in Paragraph 53 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 53 are denied, and strict proof thereof is demanded.

A. Standard Offer Program

54. The averments in Paragraph 54 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 54 are denied, and strict proof thereof is demanded.

55. The averments in Paragraph 55 constitute a prayer for relief to which no response is necessary.

B. CAP Shopping Plan

56. Denied. The OSBA is without knowledge or information sufficient to form a believe as to the truth of the averment in Paragraph 56.

57. The averments in Paragraph 57 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 57 are denied, and strict proof thereof is demanded.

58. The averments in Paragraph 58 constitute a prayer for relief to which no response is necessary.

59. The averments in Paragraph 59 constitute a prayer for relief to which no response is necessary.

60. The averments in Paragraph 60 constitute a prayer for relief to which no response is necessary.

61. The averments in Paragraph 61 constitute a prayer for relief to which no response is necessary.

62. The averments in Paragraph 62 constitute a prayer for relief to which no response is necessary.

63. The averments in Paragraph 63 constitute a prayer for relief to which no response is necessary.

64. The averments in Paragraph 64 constitute a prayer for relief to which no response is necessary.

65. The averments in Paragraph 65 constitute a prayer for relief to which no response is necessary.

66. The averments in Paragraph 66 constitute a prayer for relief to which no response is

necessary.

67. The averments in Paragraph 67 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 67 are denied, and strict proof thereof is demanded.

68. The averments in Paragraph 68 constitute a prayer for relief to which no response is necessary.

VI. PROCEDURAL ISSUES AND COMMISSION APPROVAL

69. The averments in Paragraph 69 constitute a proposed procedural schedule to which no response is necessary. By way of further answer the OSBA will work with all parties in this case to establish a mutually agreeable litigation schedule, if possible.

VII. NOTICE

70. Denied. The OSBA is without knowledge or information sufficient to form a believe as to the truth of the averment in Paragraph 70.

71. Admitted in part. It is admitted that PECO served a copy of the DSP V Petition on the OSBA. The remaining averments in Paragraph 71 are denied, as the OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments.

72. The averments in Paragraph 72 constitute a prayer for relief to which no response is necessary.

VIII. CONCLUSION

In view of the foregoing, the Office of Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to hold hearings on the DSP V Petition and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Erin K. Fure

Erin K. Fure
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Assistant Small Business Advocate

For:

John R. Evans
Small Business Advocate

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Dated: April 2, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PECO Energy Company For :
Approval Of Its Default Service Program :
For The Period From June 1, 2020 : **Docket No. P-2020-3019290**
Through May 31, 2025 :

**NOTICE OF INTERVENTION
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the Petition that was filed with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) on March 13, 2020 by PECO Energy Company (“PECO” or “Company”), with respect to its requested Commission approval for PECO’s fifth Default Service Program. In support of this Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50) to represent the interest of small business customers as a party in proceedings before the Commission.
2. Intervention in this case is necessary to ensure that the interests of small business customers served by PECO are adequately represented.

3. Representing the OSBA in this proceeding is:

Erin K. Fure
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efure@pa.gov

Respectfully submitted,

/s/ Erin K. Fure

Erin K. Fure
Attorney ID No. 312245
Assistant Small Business Advocate

Dated: April 2, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PECO Energy Company For :
Approval Of Its Default Service Program :
For The Period From June 1, 2020 : **Docket No. P-2020-3019290**
Through May 31, 2025 :
:

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Pennsylvania Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of an Answer in opposition to the Petition of PECO Energy Company (“PECO” or the “Company”) seeking Commission approval of its Default Service Program for the period from June 1, 2020 through May 31, 2025 (“DSP V Petition”).

The Small Business Advocate files this Answer against the Company’s DSP V Petition in order to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all of the elements of the Company’s proposed Default Service Plan, including its proposed default service rate design, is necessary to ensure that the change is lawful, just, reasonable, and not unduly discriminatory.

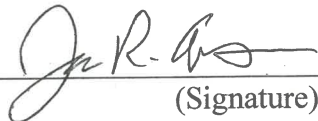
In view of the foregoing, the Small Business Advocate will participate in proceedings before the Commission to investigate the reasonableness of the proposed terms and rates in the Company's DSP V Petition. The Small Business Advocate will ask the Commission to deny any proposed rate increase or other changes in the Company's present tariffs that apply to small business customers that are not proven by Columbia to be lawful, just, reasonable, and non-discriminatory.

Dated: April 2, 2020

VERIFICATION

I, John R. Evans, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 04/02/20



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition Of PECO Energy Company For :
Approval Of Its Default Service Program :
For The Period From June 1, 2020 : Docket No. P-2020-3019290
Through May 31, 2025 :**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey Jr.
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/s/ Erin K. Fure

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Assistant Small Business Advocate
Attorney ID No. 312245

DATE: April 2, 2020