



May 4, 2020

**Via E-File**

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

**Re: Petition of PECO Energy Company for Approval of a Default Service Program for the Period of June 1, 2021 through May 31, 2025, Docket No. P-2020-3019290**

***Prehearing Memorandum of CAUSE-PA***

Dear Secretary Chiavetta,

Attached for filing, please find the **Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above referenced matter. Copies of this petition will be circulated in accordance with the attached Certificate of Service.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

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CC: Administrative Law Judge Eranda Vero, [evero@pa.gov](mailto:evero@pa.gov)  
Per Certificate of Service

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of a Default Service Program for the : Docket No. P-2020-3019290  
Period of June 1, 2021 through May 31, 2025 :

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**Prehearing Memorandum of the Coalition for Affordable Utility Services  
and Energy Efficiency in Pennsylvania**

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The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby submits this Prehearing Memorandum pursuant to the April 21, 2020 Prehearing Order of Administrative Law Judge Eranda Vero.

**I. History of the Proceeding**

On March 13, 2020, PECO Energy Company (“PECO” or “the Company”) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2021 through May 31, 2025. On April 1, 2020, CAUSE-PA file a Petition to Intervene in the proceeding, requesting full intervenor status as an active party to the case.

Notice of PECO’s Petition appeared in the Pennsylvania Bulletin on April 18, 2020, requiring that answers, protests, and intervention be filed with the Commission and served on Judge Vero by May 1, 2020. 50 Pa. B. 2164. On April 20, 2021, a Prehearing Conference Notice was served in this proceeding, establishing a prehearing conference before Judge Vero on March 5, 2020 at 10:00 am. On April 21, 2020, Judge Vero issued a Prehearing Conference Order

requiring that parties file and serve a Prehearing Conference Memorandum on or before May 4, 2020.

## **II. Issues to be Addressed**

CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services. CAUSE-PA membership is open to moderate- and low-income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence and family well-being.

Counsel for CAUSE-PA has reviewed PECO's filing and testimony. While CAUSE-PA is still formulating its positions on all of the issues presented in PECO's filing, it is concerned about the effect that the proposed default service programs will have on the long-term affordability of service for economically vulnerable households within PPL's service territory, and has tentatively identified the following issues presented by the filing which affect its members:

1. The adequacy of PECO's proposed protections for customers enrolled in PECO's Customer Assistance Program who engage with the competitive market. (PECO Petition at 25-28).
2. The design of PECO's proposed Time of Use rates, including an examination of the cost incentives for electric vehicle adoption and the potential impact the rate offering may have on vulnerable consumers. (PECO Petition at 19-24).
3. The appropriateness of PECO's proposal to continue its current retail market enhancement programs, including its standard offer and purchase of receivables programs. (PECO Petition at 24).
4. Any other issues that may arise through the course of litigation that may impact the accessibility and affordability of default service for low income consumers.

CAUSE-PA asserts that each of these matters must be thoroughly reviewed through discovery and a hearing to ensure that the Company's low-income customers are not harmed and the programs are in the public interest. CAUSE-PA anticipates that additional issues may arise as

a more comprehensive review of the Company's filing is undertaken, discovery is conducted, and other parties present evidence and testimony.

CAUSE-PA reserves the right to present evidence on any of the other issues contained in PECO's filing but not specifically identified above, as well as those issues raised by other parties. Any and all evidence presented by CAUSE-PA will be directed so as to ensure that low-income customers are adequately protected in the continued provision of default service.

**III. Witnesses**

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witnesses as may be warranted upon proper notice to the Presiding Officer and the parties:

Harry S. Geller, Esquire  
118 Locust Street  
Harrisburg, PA 17101  
717-576-2282  
[hgellerpulp@palegalaid.net](mailto:hgellerpulp@palegalaid.net)

Mr. Geller will address the issues identified above, as well as other issues that may arise in the course of this proceeding.

**IV. Discovery**

CAUSE-PA is amenable to PECO's proposed discovery modifications and protective order. CAUSE-PA is also open to discussing additional modifications to discovery and the protective order that may be proposed by other parties to the proceeding.

**V. Settlement**

CAUSE-PA is ready and willing to work with any and all of the other parties in this proceeding to attempt to come to a full or partial settlement of the litigated issues, and encourages parties to engage in settlement discussions early in the proceeding.

**VI. Service on CAUSE-PA**

Counsel for CAUSE-PA has an e-filing account and accepts electronic service from the Commission. Service on CAUSE-PA by the parties to this proceeding may be made on its attorneys at the Pennsylvania Utility Law Project as follows:

Elizabeth R. Marx, Esq.  
Ria Pereira, Esq.  
John W. Sweet, Esq.  
**PENNSYLVANIA UTILITY LAW PROJECT**  
118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
Fax: 717-233-4088  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

We request that parties serve one hard copy in addition to an electronic copy of all documents served in this proceeding; however, we will accept e-service only of all documents until the Commission's March 20 Emergency Order is lifted.

**VII. Litigation Schedule**

CAUSE-PA accepts the schedule proposed by PECO in its Prehearing Memorandum without modification at this time. However, we request flexibility with regard to the presentation of issues and witnesses in the hearings for this matter, given potential unavoidable conflicts with hearings in a number of other litigated proceedings in which CAUSE-PA is a party.

CAUSE-PA will work with other parties in good faith if an adjustment to the schedule becomes necessary in light of emergency circumstances related to the pandemic or other factors outside of the parties control.

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum, and requests that it be entered into the record of this proceeding.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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May 4, 2020

**CERTIFICATE OF SERVICE**

I hereby certify I have on this day served copies of the **Petition to Intervene of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) and consistent with the Commission’s March 20 Emergency Order at Docket M-2020-3019262.

**VIA EMAIL**

Honorable Eranda Vero Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 <sup>nd</sup> Floor Harrisburg, PA 17120 <a href="mailto:evero@pa.gov">evero@pa.gov</a>	W. Craig Williams, Esquire Anthony Gay, Esquire Jack Garfinkle, Esquire Exelon Business Services Company 2301 Market Street, S23-1 Philadelphia, PA 19101-8699 <a href="mailto:craig.williams@exeloncorp.com">craig.williams@exeloncorp.com</a> <a href="mailto:Anthony.gay@exeloncorp.com">Anthony.gay@exeloncorp.com</a> <a href="mailto:Jack.garfinkle@exeloncorp.com">Jack.garfinkle@exeloncorp.com</a>
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