



May 4, 2020

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Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

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

Dear Judge Vero:

Please find the enclosed Prehearing Memorandum of Tenant Union Representative Network and
Action Alliance of Senior Citizens of Greater Philadelphia in the above-captioned matter, which
was filed with the Commission.

Copies are being served on parties electronically pursuant to the attached Certificate of Service.
Please contact me with any questions or concerns.

Sincerely,

Robert W. Ballenger, Esquire
Josie B. H. Pickens, Esquire
Joline R. Price, Esquire

Attorneys for TURN *et al.*

Enclosure

Cc: Service List

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of Its Default Service Program for : P-2020-3019290
the Period From June 1, 2021 Through :
May 31, 2025 :

**Pre-Hearing Memorandum of Tenant Union Representative Network and
Action Alliance of Senior Citizens of Greater Philadelphia**

Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively, “TURN *et al.*”) through counsel Community Legal Services, Inc., hereby submit this Prehearing Conference Memorandum pursuant to the April 21, 2020 Prehearing Conference 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 a Default Service Program for the Period of June 1, 2021 through May 31, 2025 (“Petition”), which was assigned to this Docket No. P-2020-3019290. TURN *et al.* filed a Petition to Intervene in this proceeding on April 10, 2020. The Petition was published in the *Pennsylvania Bulletin* on April 17, 2020, with a Formal Protest date of May 1, 2020. On April 20, 2020, Judge Vero issued a Call-In Telephone Prehearing Conference Notice, scheduling an Initial Prehearing Conference to be held telephonically on Tuesday, May 5, 2020 at 10:00 am. On April 21, 2020, Judge Vero issued a Prehearing Conference Order (“Order”) requiring parties to file a Prehearing Conference Memorandum on or before Monday, May 4, 2020.

As set forth in their Petition to Intervene, TURN *et al.* have participated in numerous previous PECO proceedings, including PECO’s Default Service Plan Proceedings and Universal Service Plan proceedings.

II. Possibility of Settlement

TURN *et al.* are willing to participate in settlement negotiations concerning the terms and conditions for the Company's proposed Default Service Plan, including the terms and conditions pursuant to which the Company's Customer Assistance Program ("CAP") participants may obtain electricity supply directly from Electric Generation Suppliers ("EGS") (the "CAP Shopping Plan" or "Plan").

III. Legal Briefs and Necessity of Hearings

In the event that PECO, TURN *et al.*, and other anticipated parties to this proceeding are unable to resolve issues through settlement negotiations, TURN *et al.* submit that the outstanding issues should be adequately analyzed and addressed on the record during hearings and the parties should be provided the opportunity to submit initial briefs and reply briefs. In light of the ongoing COVID-19 pandemic, TURN *et al.* submit that a telephonic or remote process should be established for any evidentiary hearings in this proceeding.

IV. Issues To Be Addressed

In this proceeding, TURN *et al.* seek to represent the interests of moderate and low income residential customers, who are tenants and/or senior citizens. Additionally, TURN *et al.* intend to analyze the terms and conditions under which PECO CAP customers may be impacted by PECO's proposed Time-of-Use (TOU) rates and CAP Shopping Plan.

As such, TURN *et al.* have preliminarily identified the following issues presented by this filing, which affect their members, and which TURN *et al.*, seek to examine more fully:

1. The Company's proposal to exclude certain low-income customers from the residential TOU rates and the potential risks to other low- and moderate-income customers that may be presented by TOU rates. Petition ¶46.

2. The Company's proposal that a participating EGS (a "CAP Supplier") must charge CAP customers a rate for generation service that is at or below the Price-To-Compare ("PTC"), and that EGSs serving CAP customers not enter into contracts that impose early cancellation and termination fees or other fees unrelated to generation service. Petition ¶59.
3. The Company's proposal that a CAP Supplier must submit notice of intent to participate or to discontinue participation as a CAP Supplier (a "CAP Notice") at least 10 days before the start of a calendar month, and that those who execute a CAP Notice must agree to comply with all Plan requirements. Petition ¶60.
4. The Company's proposal that CAP Suppliers must publish CAP rates. Petition ¶62.
5. The Company's proposal that CAP Suppliers must comply with contract expiration/change notice procedures. Petition ¶63.
6. The proposed changes to the Company's calculation of CAP credits to use EGS charges. Petition ¶66.

TURN *et al.* reserve the right to raise other relevant issues and respond to other issues that may arise in the course of this proceeding.

V. Procedural Schedule and Amount of Hearing Time

TURN *et al.* have conferred with PECO and other anticipated parties to this proceeding regarding a schedule for submission of testimony, hearings, and briefs. TURN *et al.* note that the procedural schedule should allow for a thorough analysis of issues related to the ability of PECO CAP customers to participate in the Company's CAP Shopping Plan. As such, TURN *et al.* find the Company's proposed schedule to be acceptable. TURN *et al.* will work with other parties in good faith if an adjustment to the schedule is deemed necessary.

VI. Discovery

TURN *et al.* are amenable to PECO's proposed discovery modifications and protective order and are open to discussing any further modifications to discovery and the protective order as deemed necessary.

VII. Witnesses and Testimony

At this time, TURN *et al.* intend to present the testimony of Mr. Philip A. Bertocci, Esquire, who previously provided testimony as TURN *et al.*'s witness in PECO's DSP IV proceeding at Docket No. P-2016-2534980. Mr. Bertocci also served as a witness on behalf of the Coalition for Affordable Energy Services and Energy Efficiency in Pennsylvania in PECO's DSP II proceeding at Docket No. P-2012-2283641.

Mr. Bertocci may be reached by e-mail and/or mail as follows:

Philip A. Bertocci, Esq.
c/o Community Legal Services
1424 Chestnut Street
Philadelphia, PA 19102
pbertocci@clsphila.org

It is anticipated that Mr. Bertocci will provide testimony regarding some or all of the issues identified above. Mr. Bertocci may also address other issues and provide testimony in response to other parties.

TURN *et al.* reserve the right to present the aforementioned witness to testify in this matter, as well as the right to call additional or substitute witnesses as may be warranted upon proper notice to Your Honor and the parties.

VIII. Other Matters

TURN *et al.* are prepared to participate in discussions with Judge Vero and the parties concerning the potential measures that may aid in the orderly conduct and disposition of matters arising in this proceeding, including, without limitation: the submission in advance of any

requests for information to be sought at hearing; the exchange and acceptance of exhibits to be offered into evidence; the obtaining of admissions or stipulations as to factual matters not in dispute; limitations on the number of witnesses; and, any issues that may arise concerning discovery or production of data or other material.

IX. Service on TURN *et al.*

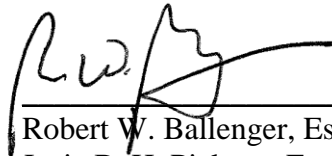
In accordance with the Prehearing Conference Order, and actions of the Pennsylvania Public Utility Commission in following the Governor's Emergency Order with respect to the COVID-19 pandemic, TURN *et al.* will accept service of documentation electronically in this proceeding.

TURN *et al.* will be represented in this case by Robert W. Ballenger, Esquire, Josie B. H. Pickens, Esquire, and Joline R. Price, Esquire, who will accept electronic delivery of documents.

All documentation should be provided to the following e-mail addresses:

Robert Ballenger - rballenger@clsphila.org
Josie B. H. Pickens - jpickens@clsphila.org
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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Prehearing Memorandum of TURN *et al.* upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54.

Via Email

The Honorable Eranda Vero
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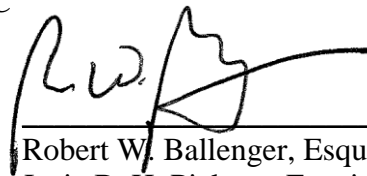
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