

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 215-841-4608
Email: Jack.Garfinkle@exeloncorp.com

May 12, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

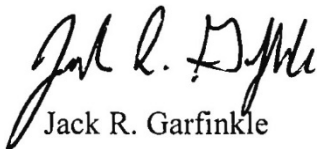
**Re: Petition of the Industrial Energy Consumers of Pennsylvania to Suspend
Implementation of the Act 129 Phase IV Requirements and For Other Relief, Docket No.
P-2020-3019562**

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced docket, please find **PECO Energy Company's Petition to Intervene**. Copies of the Petition to Intervene have been served in accordance with the enclosed Certificate of Service.

If you have any questions regarding this filing, please do not hesitate to contact me at 856.912.4738.

Very truly yours,



Jack R. Garfinkle

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF THE INDUSTRIAL ENERGY CONSUMERS OF PENNSYLVANIA TO SUSPEND IMPLEMENTATION OF THE ACT 129 PHASE IV REQUIREMENTS AND FOR OTHER RELIEF :
: **Docket No. P-2020-3019562**
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that I have this date served true and correct copies of the **Petition to Intervene of PECO Energy Company** on the following individuals in the matter specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL ONLY

Richard A. Kanaskie
Allison Kaster
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
rkanaskie@pa.gov
akaster@pa.gov

John R. Evans
Steven C. Gray
Sharon E. Webb
Office of Small Business Advocate
1st Floor, Forum Place
555 Walnut Street,
Harrisburg, PA 17101
jorevan@pa.gov
sgray@pa.gov
swebb@pa.gov

Darryl A. Lawrence
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923
dlawrence@paoca.org

Derrick Price Williamson
Barry A. Naum
Spilman Thomas & Battle PLLC
Industrial Energy Consumers of PA
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com

Tishekia E. Williams
Michael Zimmerman
Emily Farah
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
twilliams@duqlight.com
mzimmerman@duqlight.com
efarah@duqlight.com

Tori L. Giesler
Teresa K. Harrold
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612
tgiesler@firstenergycorp.com
tharrold@firstenergycorp.com

Michael W. Gang
Anthony D. Kanagy
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
mgang@postschell.com;
akanagy@postschell.com

John L. Munsch
FirstEnergy Service Company
800 Cabin Hill Drive
Greensburg, PA 15601
jmunsch@firstenergycorp.com

Joseph L. Vullo
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com

Kimberly A. Klock
Michael J. Shafer
PPL Services Corporation
2 North Ninth Street
Allentown, PA 18101
kklock@pplweb.com
mjshafer@pplweb.com


Michael W. Hassell
Lindsay A. Berkstresser
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
mhassell@postschell.com
lberkstresser@postschell.com

Pamela C. Polacek
Susan E. Bruce
Charis Mincavage
Adeolu A. Bakare
Kenneth R. Stark
McNees Wallace & Nurick LLC
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
ppolacek@mcneeslaw.com
sbruce@mcneeslaw.com
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
kstark@mcneeslaw.com

Daniel Clearfield
Deanne M. O'Dell
Sarah C. Stoner
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dclearfield@eckertseamans.com
dodell@eckertseamans.com
sstoner@eckertseamans.com

Judith D. Cassel
Micah R. Bucy
Hawke McKeon & Sniscak LLP
100 North 10th Street
Harrisburg, PA 17105-1778
jdcassel@hmslegal.com
mrbucy@hmslegal.com

Elizabeth R. Marx
Patrick M. Cicero
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net



Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
215.841.4608 (office)
215.568.3389 (fax)
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Kenneth M. Kulak (Pa. No. 75509)
Mark A. Lazaroff (Pa. No. 315407)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5384 (office)
215.963.5001 (fax)
ken.kulak@morganlewis.com
mark.lazaroff@morganlewis.com

Dated: May 12, 2020

Counsel for PECO Energy Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF THE INDUSTRIAL :
ENERGY CONSUMERS OF :
PENNSYLVANIA TO SUSPEND : **Docket No. P-2020-3019562**
IMPLEMENTATION OF THE ACT 129 :
PHASE IV REQUIREMENTS AND FOR :
OTHER RELIEF :

PETITION TO INTERVENE OF PECO ENERGY COMPANY

Pursuant to the provisions of 52 Pa. Code §§ 5.71-5.75, PECO Energy Company (“PECO Energy” or “the Company”) hereby petitions to intervene in the above-captioned matter and, in support thereof, states as follows:

I. INTRODUCTION

1. On April 22, 2020, the Industrial Energy Consumers of Pennsylvania (“IECPA”) filed a Petition requesting that the Commission: (i) suspend or delay implementation of the Phase IV energy efficiency and conservation (“EE&C”) requirements for certain electric distribution companies (“EDCs”) established under Act 129 of 2008 (“Act 129”) for 270 days; (ii) extend the existing EDC Phase III plans for a period equivalent to the delay of Phase IV; (iii) mandate a reduction in EDC EE&C surcharges by at least 50% for the duration of the Phase III programs; (iv) require that any current or planned energy efficiency or peak demand reduction projects intended for the benefit of customers continue or start as soon as feasibly possible; and (v) suspend or waive all penalties for EDC failure to achieve EE&C consumption and peak demand targets for the duration of Phase III programs.

II. IDENTITY OF THE INTERVENING PARTY

2. PECO Energy is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office in Philadelphia, Pennsylvania. PECO provides electric and natural gas delivery services to customers in Southeast Pennsylvania.

3. PECO Energy will be represented in this proceeding by the following counsel, whose name and address should be placed on the Commission's service list and who should receive copies of all correspondence and other documents:

Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Phone: 215.841.4608
E-mail:anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Kenneth M. Kulak (Pa. No. 75509)
Mark A. Lazaroff (Pa. No. 315407)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
215.963.5384 (dir)
E-mail:kenneth.kulak@morganlewis.com
mark.lazaroff@morganlewis.com

III. INTEREST IN THIS PROCEEDING

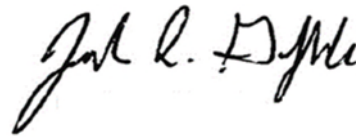
4. Intervention in Commission proceedings is governed by the Commission's rule at 52 Pa. Code § 5.72, which provides, in pertinent part, that a person is eligible to intervene upon a showing that it has an interest in the matter "which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding" or such other interest as to which participation "may be in the public interest."

5. The Company has direct and substantial interests in this proceeding. PECO is one of the EDCs subject to Act 129. Action of the Commission in this proceeding will directly impact PECO's implementation of its Act 129 Phase III EE&C programs and PECO's development and implementation of its Phase IV EE&C programs. The Commission's proposals for Phase IV EE&C programs are also under consideration at Docket No. M-2020-3015228 to which PECO is a party.

6. Because each EDC's Phase III and Phase IV EE&C programs are distinct and each EDC has an individualized interest in its own EE&C programs and furthering the interests of its customers, the interests of PECO Energy cannot be adequately represented by any other party to this proceeding.

WHEREFORE, for the foregoing reasons, PECO Energy respectfully requests that the Commission grant the Company's Petition to Intervene and such other relief as is just and reasonable under the circumstances.

Respectfully submitted,



Anthony E. Gay (Pa. No. 74624)
Jack R. Garfinkle (Pa. No. 81892)
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
215.841.4608 (bus)
215.568.3389 (fax)
Email: anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Kenneth M. Kulak (Pa. No. 75509)
Mark A. Lazaroff (Pa. No. 315407)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5384 (bus)
215.963.5001 (fax)
Email: kenneth.kulak@morganlewis.com
mark.lazaroff@morganlewis.com

Dated: May 12, 2020

Counsel for PECO Energy Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF THE INDUSTRIAL :
ENERGY CONSUMERS OF :
PENNSYLVANIA TO SUSPEND :
IMPLEMENTATION OF THE ACT 129 :
PHASE IV REQUIREMENTS AND FOR :
OTHER RELIEF :

Docket No. P-2020-3019562

VERIFICATION

I, Doreen Masalta, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect PECO Energy Company, Petitioner herein, to be able to prove the same at any 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).

Dated: May 12, 2020

