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June 1, 2020

VIA eFILING

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

**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 Secretary Chiavetta:

Attached please find **PECO Energy Company's Petition for Extension of the Statutory Deadline for Default Service Proceedings** in the above-captioned proceeding. As evidenced by the attached Certificate of Service, a copy is being served upon Administrative Law Judge Eranda Vero, and all parties of record.

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

Very truly yours,



Kenneth M. Kulak

KMK/tp
Enclosures

c: Per Certificate of Service (w/encls.)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF ITS :
DEFAULT SERVICE PROGRAM FOR : DOCKET NO. P-2020-3019290
THE PERIOD FROM JUNE 1, 2021 :
THROUGH MAY 31, 2025 :**

**PECO ENERGY COMPANY’S PETITION FOR EXTENSION OF THE STATUTORY
DEADLINE FOR DEFAULT SERVICE PROCEEDINGS**

Pursuant to the Pennsylvania Public Utility Commission’s (the “Commission’s”) Emergency Order dated March 2020,¹ PECO Energy Company (“PECO”) hereby respectfully requests entry of an order in the above-captioned proceeding extending the nine-month statutory deadline for approval of default service plans under 66 Pa.C.S. § 2807(e)(3.6) from December 13, 2020 to December 17, 2020. In support of this request, PECO states as follows:

I. RELEVANT BACKGROUND AND PROCEDURAL HISTORY

1. On March 13, 2020, PECO filed a petition (the “Petition”) for approval of its fifth Default Service Program (“DSP V”), in accordance with PECO’s responsibilities under the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2801 et seq. (the “Competition Act”), as the default service provider for its certificated service territory for the period from June 1, 2021 to May 31, 2025. In the Petition, PECO requested that the Commission approve DSP V in accordance with the Competition Act, the Commission’s default service regulations at 52 Pa. Code §§ 54.181-54.189, and the Commission’s Policy Statement on Default Service at 52 Pa. Code §§ 69.1801-1817.

¹ *Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262, Emergency Order (Mar. 20, 2020) (“Emergency Order”).

2. PECO’s Petition followed the Proclamation of Disaster Emergency issued by Governor Tom Wolf on March 6, 2020 in response to the COVID-19 health crisis.² On March 19, 2020, the governor ordered all non–life-sustaining businesses in Pennsylvania to close their physical locations to slow the spread of COVID-19.³

3. On April 18, 2020, the *Pennsylvania Bulletin* published the Commission’s notice establishing a deadline of May 1, 2020 in this proceeding for filing protests, complaints or petitions to intervene, and scheduling a Prehearing Conference for May 5, 2020 before Administrative Law Judge Eranda Vero (the “ALJ”).⁴ Answers to the Petition were filed by the Office of Consumer Advocate (“OCA”) and the Office of Small Business Advocate, and petitions to intervene were filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania; the Philadelphia Area Industrial Energy Users Group; Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia; Calpine Retail Holdings, LLC; StateWise Energy Pennsylvania LLC; SFE Energy Pennsylvania, Inc.; the Electric Supplier Coalition;⁵ and the Environmental Stakeholders.⁶ By letter dated April 29, 2020, an interfaith group, POWER, requested that the Commission hold a public input hearing in PECO’s DSP V proceeding.

² See <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200306-COVID19-Digital-Proclamation.pdf>.

³ See <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200319-TWW-COVID-19-business-closure-order.pdf>.

⁴ PECO Energy Company Default Service Plan; Prehearing Conference, P-2020-3019290, Pa.B. 2164 (Apr. 18, 2020).

⁵ The Electric Supplier Coalition’s members are NRG Energy, Inc.; Direct Energy Services LLC; Interstate Gas Supply Inc., d/b/a IGS Energy; Vistra Energy Corp.; Shipley Choice LLC; ENGIE Resources LLC; and WGL Energy Services, Inc.

⁶ The Environmental Stakeholders are Clean Air Council, Sierra Club/PA Chapter and Philadelphia Solar Energy Association.

4. A telephonic Prehearing Conference was held on May 5, 2020. Counsel for PECO, the statutory parties, and the interveners attended the conference. Dr. Stephen Greenspan of POWER and Linnea Bond and Gregory Holt of Earth Quaker Action Team also participated in discussions about public input hearings proposed by the OCA and the Environmental Stakeholders. Following the Prehearing Conference, the ALJ adopted the procedural schedule proposed by PECO in its Prehearing Conference Memorandum. This procedural schedule provided for the entry of a final order by the Commission in this proceeding at the Commission's public meeting scheduled for December 17, 2020.

II. GROUNDS FOR THE REQUESTED RELIEF

5. Default service proceedings have a nine-month statutory deadline that ensures prompt investigation and review of the procurement and implementation plans proposed by PECO and other default service providers. Under Section 2807(e)(3.6), the Commission must enter a final order in a default service proceeding within nine months of the date that a default service plan is filed.⁷ If the Commission does not enter a final order, a default service plan would be deemed to have been approved and a default service provider may implement the plan as filed.⁸

6. The Commission has scheduled public meetings in December 2020 at which the Commission could enter a final order on December 3, 2020 and December 17, 2020. In light of the filing of the Petition on March 13, 2020, the Commission's last public meeting scheduled prior to the nine-month statutory deadline in this case is on December 3, 2020.

⁷ 66 Pa.C.S. § 2807(e)(3.6).

⁸ *Id.*

7. In light of the Emergency Order, and to ensure that all parties, the ALJ and the Commission have the full nine-month period for consideration of DSP V, PECO believes that the nine-month statutory deadline under Section 2807(e)(3.6) should be extended by four days to permit issuance of a final order at the public meeting scheduled for December 17, 2020.

8. The Commission's Emergency Order (p. 4) provides that "all statutory and regulatory deadlines may be suspended, extended, waived or changed during the pendency of the Proclamation of Disaster Emergency." Good cause exists for the requested relief because of the Commonwealth's response to the COVID-19 pandemic, which has resulted in the closure of state agency offices, law firms, organizations, and businesses, with associated interruptions of normal operations arising from the current pandemic. The procedural schedule adopted by the ALJ that provided for the entry of a final order in this proceeding at the December 17, 2020 public meeting took the effects of these COVID-19-related closures and operational issues into account. If an entry of a final order were required by December 3, 2020 instead of December 17, 2020, a more compressed procedural schedule would be required, and the parties, the ALJ and the Commission would have less time for full consideration of the issues in this proceeding than the current schedule provides.

9. PECO consulted with the parties regarding its request to extend the statutory deadline by four days and has received no objections.

III. CONCLUSION

For the reasons set forth above, PECO respectfully requests a four-day extension of the statutory deadline in this proceeding, until December 17, 2020.

Respectfully submitted,



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For PECO Energy Company

Dated: June 1, 2020

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF ITS :
DEFAULT SERVICE PROGRAM FOR : **Docket No. P-2020-3019290**
THE PERIOD FROM JUNE 1, 2021 :
THROUGH MAY 31, 2025 :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of **PECO Energy Company's Petition for Extension of the Statutory Deadline for Default Service Proceedings** on the following persons in the matter specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL

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Dated: June 1, 2020

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