



January 13, 2021

VIA E-File

Honorable Mark A. Hoyer
Deputy Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222
mhoyer@pa.gov

Honorable Emily I. DeVoe
Administrative Law Judge
Pennsylvania Public Utility Commission
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edevoe@pa.gov

Re: Petition of PECO Energy Company for Approval of Its Act 129 Phase IV Energy Efficiency and Conservation Plan

Docket No. M-2020-3020830

Dear Judge Hoyer and Judge DeVoe,

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) files this Letter in response to the January 11, 2021 Interim Order in the above-referenced matter. In the Interim Order, parties were required to file a response, if any, to the Joint Motion for Extension of Procedural Schedule and the Office of Administrative Law Judge's Proposed Revised Schedule by close of business today, Wednesday, January 13, 2021.

First, CAUSE-PA notes that it does not intend to file a formal Answer to the Joint Motion for Extension of Procedural Schedule, as we are a party thereto. We continue to assert that the compressed procedural schedule in this proceeding, and the sequencing of formal Notice, pleadings, and litigation identified in the Joint Motion for Extension of Procedural Schedule and outlined in Your Honors' Interim Order, present serious due process issues which must be fully addressed to prevent additional protracted litigation and appeal in this and the other pending Act 129 Phase IV proceedings.

Nevertheless, we file this Letter in response to the OALJ's Proposed Revised Schedule contained in the Interim Order. CAUSE-PA believes the alternative schedule proposed by the OALJ presents a possible path forward for litigation of these proceedings. However, we submit that this possible alternative would require alignment of all the parties to prevent the crux of CAUSE-PA's concern: the potential for protracted litigation and appeal which could substantially delay

the ultimate resolution of these proceedings. Without alignment of the parties, we are concerned that litigation will proceed on multiple tracts, at substantial expense to the Parties, to the Commission, and to ratepayers.

As Your Honors are aware, CAUSE-PA represents the interests of low income Pennsylvanians, and would be without adequate resources to fully engage in the protracted litigation that may follow. Indeed, such litigation would present a true hardship for CAUSE-PA, and would undermine the ability of CAUSE-PA to defend the interests of its members to ensure that low income families have equitable access to comprehensive energy efficiency services.

CAUSE-PA recommends the following revised litigation schedule for this proceeding, provided the current deadline for direct testimony is suspended:

Direct Testimony	January 27, 2021
Rebuttal Testimony	February 4, 2021
Hearing	February 10, 2021
Main Brief	February 18, 2021
Reply Comments/Revised Plan	March 1, 2021
Certification of the Record	March 2, 2021

However, if the current procedural schedule is not amended in time to suspend the original deadline for direct testimony, we submit that the parties should likewise proceed with filing Rebuttal testimony on the original date established for Rebuttal testimony in this proceeding. Thereafter, we would propose the following supplemental litigation schedule and hearing dates:

Rebuttal Testimony	January 21, 2021
Supplemental Direct	January 28, 2021
Supplemental Rebuttal	February 4, 2021
Hearing	February 8, 2021
Main Brief	February 18, 2021
Reply Comments/Revised Plan	March 1, 2021
Certification of the Record	March 2, 2021

CAUSE-PA asserts that it would be prejudicial to the Parties to suspend the original procedural schedule for the Companies to file Rebuttal if the initial deadline for direct testimony is not also suspended.

Finally, we note that the proposal of PECO in its Responsive Letter to allow supplemental direct to be filed on January 20, 2021 does not in any way address our original due process concerns related to the January 22, 2021 deadline for formal pleadings in this proceeding, and should not be adopted.

We continue to express our willingness and desire to work with Your Honors, the Parties, and the Companies to reach an acceptable resolution to this unfortunate and complex procedural issue in a timely and expedient manner.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John W. Sweet". The signature is written in a cursive style with a horizontal line above the name.

John W. Sweet, Esq.
Counsel for CAUSE-PA

CC: Secretary Rosemary Chiavetta, via efile
Chief Administrative Law Judge Charles Rainey, crainey@pa.gov

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of Its Act 129 Phase IV : Docket No. M-2020-3020830
Energy Efficiency and Conservation Plan :

Certificate of Service

I hereby certify that I have this day served copies of the **Response of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the January 11, 2021 Interim Order** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 and consistent with the Commission’s Emergency Order issued on March 20, 2020.

VIA Email Only

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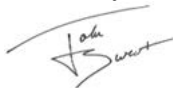
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Respectfully Submitted,
PENNSYLVANIA UTILITY LAW PROJECT
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