



COMMONWEALTH OF PENNSYLVANIA

January 18, 2022

E-FILED

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

Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company, for Approval of Their Default Service Programs; Docket Nos. P-2021-3030012; P-2021-3030013; P-2021-3030014; and P-2021-3030021

Dear Secretary Chiavetta:

Enclosed please find the Answer, Notice of Intervention, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

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

Sincerely,

/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

Enclosures

cc: Robert D. Knecht
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF METROPOLITAN	:	
EDISON COMPANY, PENNSYLVANIA	:	
ELECTRIC COMPANY, PENNSYLVANIA	:	DOCKET NOS. P-2021-3030012
POWER COMPANY AND WEST PENN	:	P-2021-3030013
POWER COMPANY FOR APPROVAL OF	:	P-2021-3030014
THEIR DEFAULT SERVICE PROGRAMS	:	P-2021-3030021
	:	

ANSWER OF THE SMALL BUSINESS ADVOCATE

Pursuant to 52 Pa. Code §5.61, the Office of Small Business Advocate (“OSBA”) files this Answer in response to the Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of their Default Service Programs (“*Joint Petition*”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on December 14, 2021.

The averments in the unnumbered paragraphs set forth on pages 1 through 3 of the *Joint Petition* constitute a prayer for relief to which no response is required.

I. INTRODUCTION AND OVERVIEW

1. Admitted.
2. Admitted.
3. Paragraph 3 contains conclusions of law to which no response is required. By way of further response, the Competition Act, 66 Pa. C.S. §§ 2801-2812, speaks for itself.
4. Admitted in part. It is admitted that each of the Companies filed restructuring plans, which were approved by the Commission with modification. The remaining averments in

Paragraph 4 contain conclusions of law to which no response is required. By way of further response, Section 2806(d) of the Competition Act, 66 Pa. C.S. § 2806(d), speaks for itself.

5. Admitted in part. It is admitted that the Companies retained the obligation to serve as the default service providers for their respective retail customers. It is further admitted that the Companies' current Commission-approved default service programs ("DSPs") expire on May 31, 2023. The remaining averments in Paragraph 5 constitute a prayer for relief to which no response is required.

6. Paragraph 6 contains conclusions of law to which no response is required. By way of further response, Section 54.185(a) of the Pennsylvania Code, 52 Pa. Code § 54.185(a) speaks for itself.

7. Admitted.

8. Admitted in part. It is admitted that the *Joint Petition* sets forth the Program for each of the Companies. It is denied that the costs described and identified in the Companies' rate designs are reasonable or recoverable.

9. Admitted.

10. The averments in Paragraph 10 constitute a prayer for relief to which no response is required.

II. DEFAULT SERVICE PROCUREMENT PLAN

A. Default Service Products

11. The averments in Paragraph 11 constitute a prayer for relief to which no response is required.

12. The averments in Paragraph 12 constitute a prayer for relief to which no response is required.

13. The averments in Paragraph 13 constitute a prayer for relief to which no response is required.

B. Residential Class

14. The averments in Paragraph 14 constitute a prayer for relief to which no response is required.

15. The averments in Paragraph 15 constitute a prayer for relief to which no response is required.

16. The averments in Paragraph 16 constitute a prayer for relief to which no response is required.

C. Commercial Class

17. The averments in Paragraph 17 constitute a prayer for relief to which no response is required.

D. Industrial Class

18. The averments in Paragraph 18 constitute a prayer for relief to which no response is required.

E. Procurement Schedule And Method

19. The averments in Paragraph 19 constitute a prayer for relief to which no response is required.

20. The averments in Paragraph 20 constitute a prayer for relief to which no response is required.

21. Admitted.

22. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 22. To the extent a response is required, the averments in Paragraph 22 are denied, and strict proof thereof is demanded.

23. The averments in Paragraph 23 constitute a prayer for relief to which no response is required.

F. Supplier Master Agreement

24. The averments in Paragraph 24 constitute a prayer for relief to which no response is required.

25. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 25. To the extent a response is required, the averments in Paragraph 25 are denied, and strict proof thereof is demanded.

G. AEPS Act Requirements

26. The averments in Paragraph 26 constitute a prayer for relief to which no response is required.

H. Independent Evaluator

27. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 27. To the extent a response is required, the averments in Paragraph 27 are denied, and strict proof thereof is demanded.

28. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 28. To the extent a response is required, the averments in Paragraph 28 are denied, and strict proof thereof is demanded.

29. Paragraph 29 contains conclusions of law to which no response is required. By way of further response, Sections 54.186(b)(6)(ii) and 54.186(c)(2) of the Pennsylvania Code, 52 Pa. Code §§ 54.186(b)(6)(ii) and 54.186(c)(2), speak for themselves.

I. Requirements of PJM

30. The averments in Paragraph 30 constitute a prayer for relief to which no response is required. To the extent a response is required, the averments in Paragraph 30 are denied, and strict proof thereof is demanded.

J. Contingency Plans

31. The averments in Paragraph 31 constitute a prayer for relief to which no response is required.

32. The averments in Paragraph 32 constitute a prayer for relief to which no response is required.

33. The averments in Paragraph 33 constitute a prayer for relief to which no response is required.

34. The averments in Paragraph 34 constitute a prayer for relief to which no response is required.

35. The averments in Paragraph 35 constitute a prayer for relief to which no response is required.

III. RATE DESIGN AND COST RECOVERY

A. PTC Default Service Rate Rider

36. The averments in Paragraph 36 constitute a prayer for relief to which no response is required.

37. The averments in Paragraph 37 constitute a prayer for relief to which no response is required. To the extent a response is required, the averments in Paragraph 37 are denied, and strict proof thereof is demanded.

38. The averments in Paragraph 38 constitute a prayer for relief to which no response is required.

39. The averments in Paragraph 39 constitute a prayer for relief to which no response is required.

B. Hourly Pricing Default Service Rider

40. The averments in Paragraph 40 constitute a prayer for relief to which no response is required.

C. Default Service Support Rider

41. The averments in Paragraph 41 constitute a prayer for relief to which no response is required.

42. The averments in Paragraph 42 constitute a prayer for relief to which no response is required.

43. The averments in Paragraph 43 constitute a prayer for relief to which no response is required.

D. Solar Photovoltaic Requirements Charge Rider

44. The averments in Paragraph 44 constitute a prayer for relief to which no response is required.

E. Non-Utility Generation (“NUG”) Charge Rider

45. The averments in Paragraph 45 constitute a prayer for relief to which no response is required.

F. Reconciliation

46. The averments in Paragraph 46 constitute a prayer for relief to which no response is required.

47. The averments in Paragraph 47 constitute a prayer for relief to which no response is required. To the extent a response is required, the averments in Paragraph 47 are denied, and strict proof thereof is demanded.

48. The averments in Paragraph 48 constitute a prayer for relief to which no response is required.

G. TOU Rates

49. Admitted.

50. The averments in Paragraph 50 constitute a prayer for relief to which no response is required. To the extent a response is required, the averments in Paragraph 50 are denied, and strict proof thereof is demanded.

51. The averments in Paragraph 51 constitute a prayer for relief to which no response is required.

52. The averments in Paragraph 52 constitute a prayer for relief to which no response is required.

53. The averments in Paragraph 53 constitute a prayer for relief to which no response is required.

54. The averments in Paragraph 54 constitute a prayer for relief to which no response is required.

55. The averments in Paragraph 55 constitute a prayer for relief to which no response is required.

56. Admitted.

IV. CUSTOMER REFERRAL PROGRAM

57. The averments in Paragraph 57 constitute a prayer for relief to which no response is required.

58. The averments in Paragraph 58 constitute a prayer for relief to which no response is required.

V. PURCHASE OF RECEIVABLES

59. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 59. To the extent a response is required, the averments in Paragraph 59 are denied, and strict proof thereof is demanded.

A. Purchase of Receivables Clawback Charge

60. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 60. To the extent a response is required, the averments in Paragraph 60 are denied, and strict proof thereof is demanded.

61. The averments in Paragraph 61 constitute a prayer for relief to which no response is required. To the extent a response is required, the averments in Paragraph 61 are denied, and strict proof thereof is demanded.

VI. CAP CUSTOMER SHOPPING

62. Admitted.

63. Admitted. By way of further answer, the Commission's Proposed Policy Statement Order entered on February 28, 2019 at Docket No. M-2018-3006578 speaks for itself.

64. The averments in Paragraph 64 constitute a prayer for relief to which no response is required.

VII. THIRD-PARTY DATA ACCESS TARIFF

65. The averments in Paragraph 65 constitute a prayer for relief to which no response is required. To the extent a response is required, the averments in Paragraph 65 are denied, and strict proof thereof is demanded.

66. The averments in Paragraph 66 constitute a prayer for relief to which no response is required.

67. The averments in Paragraph 67 constitute a prayer for relief to which no response is required.

68. The averments in Paragraph 68 constitute a prayer for relief to which no response is required.

VIII. GENERAL SUPPLY ISSUES

69. The averments in Paragraph 69 contain legal conclusions of law to which no response is required. To the extent a response is required, the remaining averments in Paragraph 69 are denied, and strict proof thereof is demanded.

IX. NOTICE

70. Admitted in part. It is admitted that Companies served a copy of the *Joint Petition* on the OSBA. The remaining averments in Paragraph 70 are denied, as the OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments.

71. The OSBA is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 71. To the extent a response is required, the averments in Paragraph 71 are denied, and strict proof thereof is demanded.

X. PROPOSED SCHEDULE

72. The averments in Paragraph 72 constitute a proposed procedural schedule to which no response is required. By way of further answer the OSBA will work with all parties in this case to establish a mutually agreeable litigation schedule, if possible.

XI. REQUEST FOR WAIVERS

73. The averments in Paragraph 73 constitute a prayer for relief or conclusions of law to which no response is required.

XII. PUBLIC INTEREST CONSIDERATIONS

74. Paragraph 74 contains conclusions of law to which no response is required. To the extent a response is required, the averments in Paragraph 74 are denied, and strict proof thereof is demanded.

XIII. CONCLUSION

In view of the foregoing, the Office of Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to hold hearings on the *Joint Petition* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Erin K. Fure

Erin K. Fure
Attorney ID No. 312245 Assistant
Small Business Advocate

For:
The Small Business Advocate

Office of Small Business Advocate
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(717) 783-2525
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Dated: January 18, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF METROPOLITAN	:	
EDISON COMPANY, PENNSYLVANIA	:	
ELECTRIC COMPANY, PENNSYLVANIA	:	DOCKET NOS. P-2021-3030012
POWER COMPANY AND WEST PENN	:	P-2021-3030013
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THEIR DEFAULT SERVICE PROGRAMS	:	P-2021-3030021
	:	

**NOTICE OF INTERVENTION
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the Joint Petition that was filed with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) on December 14, 2021 by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively the “Companies”), with respect to the request for approval the Companies’ default service programs. In support of this Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50) to represent the interest of small business customers as a party in proceedings before the Commission.
2. Intervention in this case is necessary to ensure that the interests of small business customers served by the Companies are adequately represented.

3. Representing the OSBA in this proceeding is:

Erin K. Fure
Office of Small Business Advocate
555 Walnut Street, 1st Floor
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(717) 783-2525
(717) 783-2831 (fax)
efure@pa.gov

Dated: January 18, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**PUBLIC STATEMENT OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of an intervention regarding the Joint Petition filed by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively the “Companies”), with respect to the request for approval their default service programs. The Small Business Advocate has intervened in this case to ensure that the interests of small business customers served by the Companies are adequately represented.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the Companies’ requested relief. The Small Business Advocate will ask the Commission to deny any proposed changes in the Companies’ present tariffs that apply to small business customers that are not

proven by the Companies to be lawful, just, reasonable and non-discriminatory to all its customer classes.

Dated: January 18, 2022

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:**

VERIFICATION

I, Erin K. Fure, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a 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).

Date: January 18, 2022

/s/ Erin K. Fure

(Signature)

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	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
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Dated: January 18, 2022