



March 4, 2024

VIA E-FILING

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

Re: Petition of PECO Energy Company for Approval of Its Default Service Plan for the Period from June 1, 2025 Through May 31, 2029, Docket No. P-2024-3046008

Dear Secretary Chiavetta,

Please find enclosed the Petition to Intervene of the Energy Justice Advocates. As indicated on the attached Certificate of Service, service on the parties was accomplished by email only. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

/s/ Devin McDougall

PA Attorney ID No. 329855

Supervising Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

dmcDougall@earthjustice.org

(917) 628-7411

Counsel to the Energy Justice Advocates

cc:

Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for
Approval of Its Default Service Plan for the
Period from June 1, 2025 Through May 31,
2029

Docket No. P-2024-3046008

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the following document upon the parties of record to this proceeding, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) in the manner and upon the persons listed below.

Service By Email Only

Adeolu A Bakare, Esq. Charis Mincavage, Esq. Jo-Anne S. Thompson, Esq. McNees Wallace & Nurick LLC 100 Pine Street PO Box 1166 Harrisburg, PA 17108-1166 abakare@mwn.com cmincavage@mwn.com	Brandon J. Pierce, Esq. Adesola Adegbesan, Esq. Anthony Gay, Esq. Brandon Pierce, Esq. Jack Garfinkle, Esq. Exelon 2301 Market Street S23-1 brandon.pierce@exeloncorp.com adesola.adegbesan@exeloncorp.com anthony.gay@exeloncorp.com jack.garfinkle@exeloncorp.com
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Barrett C. Sheridan Andrew J. Zerby Office of Consumer Advocate 555 Walnut Street Forum Place, 5th Floor Harrisburg, PA 17101	John F. Lushis, Jr. Norris McLaughlin, P.A. 515 West Hamilton Street – Suite 502 Allentown, PA 18101 jlushis@norris-law.com

<p>bsheridan@paoca.org azerby@paoca.org ra-oca@paoca.org</p>	
<p>Richard A. Kanaskie, Esq. Bureau of Investigation and Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor West Harrisburg, PA 17120 rkanaskie@pa.gov</p>	<p>Thomas F. Puchner Phillips Lytle LLP 30 South Pearl Street Albany, NY 12207-1537 tpuchner@phillipslytle.com</p>
<p>Robert W. Ballenger Joline R. Price Community Legal Services 1424 Chestnut Street Philadelphia, PA 19102 rballenger@clsphila.org jprice@clsphila.org</p>	<p>Karen O. Moury Deanne M. O'Dell Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Floor Harrisburg, PA 17101 kmoury@eckertseamans.com dodell@eckertseamans.com</p>
<p>Gregory L. Peterson, Esq. Phillips Lytle LLP 201 West Third Street, Suite 205 Jamestown, NY 14701-4907 gpeterson@phillipslytle.com</p>	<p>Alison Kaster, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor Harrisburg, PA 17120 akaster@pa.gov</p>
<p>Brooke E McGlinn, Esq. Kenneth M. Kulak, Esq. Mark Lazaroff, Esq. Catherine G. Vasudevan, Esq. Morgan, Lewis & Bockius LLP 2222 Market Street Philadelphia, PA 19103-3007 bmcglinn@morganlewis.com ken.kulak@morganlewis.com mark.lazaroff@morganlewis.com catherine.vasudevan@morganlewis.com</p>	<p>Christopher O'Hara, Esq. Senior Vice President, General Counsel PJM Interconnection 2750 Monroe Boulevard Audubon, PA 19403-2497 christoper.ohara@pjm.com</p>

Dated: March 4, 2024

/s/ Devin McDougall

PA Attorney ID No. 329855

Supervising Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

(917) 628-7411

dmcDougall@earthjustice.org

Counsel for the Energy Justice Advocates

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for
Approval of Its Default Service Plan for the
Period from June 1, 2025 Through May 31,
2029

Docket No. P-2024-3046008

PETITION TO INTERVENE OF THE ENERGY JUSTICE ADVOCATES

March 4, 2024

Pursuant to 52 Pa. Code §§ 5.72-5.75, POWER Interfaith (“POWER”), Vote Solar, Clean Air Council, Sierra Club, Physicians for Social Responsibility Pennsylvania, and PennEnvironment (collectively, the “Energy Justice Advocates”) hereby file this Petition to Intervene in the above-captioned proceeding (the “Proceeding”) of the Pennsylvania Public Utility Commission (the “Commission”).

In support of this Petition to Intervene, the Energy Justice Advocates state as follows:

1. On February 2, 2024, PECO Energy Company (“PECO” or the “Company”) filed its Petition for Approval of its Default Service Plan (“DSP”) for the Period from June 1, 2025 through May 31, 2029 (“Petition for Approval”).

2. The Commission’s regulations provide that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.”¹ A “person” includes a corporation and an association.²

3. Such an interest may be “[a]n interest 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”³ or “another interest of such nature that participation of the petitioner may be in the public interest.”⁴

¹ 52 Pa. Code § 5.72(a).

² 52 Pa. Code § 1.8(a); *See also Energy Conservation Council of Pennsylvania v. Pub. Util. Comm'n*, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (“An association may have standing as a representative of its members. *Tripps Park v. Pennsylvania Public Utility Commission*, 52 Pa.Cmwlth. 317, 415 A.2d 967, 970 (1980). Thus, as long as an organization ‘has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action[, i.e., is aggrieved, the organization] has standing.’”).

³ 52 Pa. Code § 5.72(a)(2).

⁴ 52 Pa. Code § 5.72(a)(3).

4. The Energy Justice Advocates meet these requirements, since they will be directly affected by the Proceeding, their interests are not adequately represented by existing parties in the Proceeding, and their participation in the Proceeding would be in the public interest.

5. POWER is a not-for-profit network of faith communities in Pennsylvania that is committed to racial and economic justice on a livable planet.

6. Members of POWER will be directly impacted by this proceeding and bound by the Commission's action in it. Members of POWER live within PECO's service territory, are electricity customers of PECO, and will be subject to the outcome of this proceeding, including through impacts to their electric bills and the reliability, quality, and safety of their electric service.

7. POWER has an interest in ensuring that PECO's DSP is just and reasonable, appropriately considers long-term affordability, and appropriately considers the benefits of procurement from clean energy sources. POWER's interests in these areas would not be adequately represented by existing parties in this proceeding.

8. Vote Solar is a not-for-profit public interest advocacy organization that works to achieve a 100% clean energy powered future that supports the needs, health and well-being of everyone, with resilient solar energy as a leading solution.

9. Members of Vote Solar will be directly impacted by this proceeding and bound by the Commission's action in it. Members of Vote Solar live within PECO's service territory, are electricity customers of PECO, and will be subject to the outcome of this proceeding, including through impacts to their electric bills and the reliability, quality, and safety of their electric service.

10. Vote Solar has an interest in ensuring that PECO's DSP is just and reasonable, appropriately considers long-term affordability, and appropriately considers the benefits of procurement from clean energy sources. Vote Solar's interests in these areas would not be adequately represented by existing parties in this proceeding.

11. Clean Air Council is a not-for-profit public interest advocacy organization that is dedicated to protecting everyone's right to a healthy environment, including everyone's right to breathe clean air.

12. Members of Clean Air Council will be directly impacted by this proceeding and bound by the Commission's action in it. Members of Clean Air Council live within PECO's service territory, are electricity customers of PECO, and will be subject to the outcome of this proceeding, including through impacts to their electric bills and the reliability, quality, and safety of their electric service.

13. Clean Air Council has an interest in ensuring that PECO's DSP is just and reasonable, appropriately considers long-term affordability, and appropriately considers the benefits of procurement from clean energy sources. Clean Air Council's interests in these areas would not be adequately represented by existing parties in this proceeding.

14. Sierra Club is a not-for-profit public interest advocacy organization that works to protect everyone's right to a healthy world, including through practicing and promoting the responsible use of the earth's ecosystems and resources.

15. Members of Sierra Club will be directly impacted by this proceeding and bound by the Commission's action in it. Members of Sierra Club live within PECO's service territory, are electricity customers of PECO, and will be subject to the outcome of this proceeding,

including through impacts to their electric bills and the reliability, quality, and safety of their electric service.

16. Sierra Club has an interest in ensuring that PECO's DSP is just and reasonable, appropriately considers long-term affordability, and appropriately considers the benefits of procurement from clean energy sources. Sierra Club's interests in these areas would not be adequately represented by existing parties in this proceeding.

17. Physicians for Social Responsibility Pennsylvania ("PSR PA") is a not-for-profit public interest advocacy organization that works to develop safe and resilient communities for a healthy future by advocating for socially and environmentally just actions.

18. Members of PSR PA will be directly impacted by this proceeding and bound by the Commission's action in it. Members of PSR PA live within PECO's service territory, are electricity customers of PECO, and will be subject to the outcome of this proceeding, including through impacts to their electric bills and the reliability, quality, and safety of their electric service.

19. PSR PA has an interest in ensuring that PECO's DSP is just and reasonable, appropriately considers long-term affordability, and appropriately considers the benefits of procurement from clean energy sources. PSR PA's interests in these areas would not be adequately represented by existing parties in this proceeding.

20. PennEnvironment is a not-for-profit public interest advocacy organization that works for clean air, clean water, clean energy, wildlife and open spaces, and a livable climate.

21. Members of PennEnvironment will be directly impacted by this proceeding and bound by the Commission's action in it. Members of PennEnvironment live within PECO's

service territory, are electricity customers of PECO, and will be subject to the outcome of this proceeding, including through impacts to their electric bills and the reliability, quality, and safety of their electric service.

22. PennEnvironment has an interest in ensuring that PECO's DSP is just and reasonable, appropriately considers long-term affordability, and appropriately considers the benefits of procurement from clean energy sources. PennEnvironment's interests in these areas would not be adequately represented by existing parties in this proceeding.

23. Additionally, it would serve the public interest for the Energy Justice Advocates to participate in this proceeding because as the Commission has recognized, active participation by diverse subgroups aids the Commission in advancing the public interest. As the Commission has noted, "the Commission is aided by the active participation of entities representing various subgroups of the entire public. A number of these active participants have a statutorily imposed obligation to provide this representation, while others are self-created entities choosing to represent a delineated subgroup. Taken as a whole, these active participants cover the entire spectrum of the public whose welfare is to be protected."⁵

24. The Energy Justice Advocates are continuing to review the Petition for Approval, and anticipate investigating its basis through discovery in order to formulate their positions in this Proceeding. On initial review, the Energy Justice Advocates are concerned that PECO's

⁵ *Pennsylvania Pub. Util. Comm'n Off. of Consumer Advoc. Off. of Small Bus. Advoc. Jennifer Mattingly Brandi Brace Kim Kotyk Barbara Brennan Lindsey Yeider Wosik Roger & Maria Hogue Lisa Infantino Mark Lazo Bridgett Brosius v. UGI Utils., Inc. – Elec. Div.*, Docket Nos. C-2021-3024200 et al., 2021 WL 5051925, at *20–21 (Oct. 28, 2021 Pa. P.U.C.).

proposed procurement plan may not constitute a prudent mix of contracts that will procure energy at least cost over time and assure safe and reliable service.

25. The Energy Justice Advocates are represented in this matter by:

Devin McDougall, Esq.
PA Attorney ID No. 329855
Supervising Senior Attorney
Clean Energy Program
Earthjustice
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
(917) 628-7411
dmcdougall@earthjustice.org

26. The Energy Justice Advocates consent to receive electronic service of documents as provided in 52 Pa. Code § 1.54(b)(3). The Energy Justice Advocates respectfully request that the following individuals receive service of any documents served via electronic mail to the Energy Justice Advocates:

- a. Devin McDougall, dmcdougall@earthjustice.org
- b. Caroline Weinberg, cweinberg@earthjustice.org
- c. Maya DeGasperi, mdegasperi@earthjustice.org

WHEREFORE, the Energy Justice Advocates respectfully request that the Commission grant this Petition to Intervene.

Dated: March 4, 2024

Respectfully submitted,

/s/ Devin McDougall

PA Attorney ID No. 329855

Supervising Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

dmcDougall@earthjustice.org

(917) 628-7411

Counsel to the Energy Justice Advocates

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for
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2029

Docket No. P-2024-3046008

VERIFICATION

I hereby state that the facts concerning POWER Interfaith set forth in the foregoing Petition to Intervene of the Energy Justice Advocates are true and correct (or true and correct to the best of my knowledge, information, and belief). 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 penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 4, 2024



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

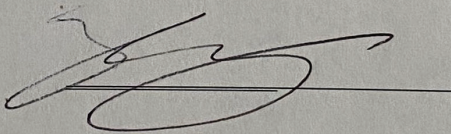
Petition of PECO Energy Company for
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2029

Docket No. P-2024-3046008

VERIFICATION

I hereby state that the facts concerning Vote Solar set forth in the foregoing Petition to Intervene of the Energy Justice Advocates are true and correct (or true and correct to the best of my knowledge, information, and belief). 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 penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 4, 2024



Elwyn Corby
Vote Solar Mid-Atlantic Regional Director

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

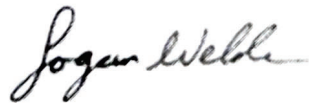
Petition of PECO Energy Company for
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Period from June 1, 2025 Through May 31,
2029

Docket No. P-2024-3046008

VERIFICATION

I hereby state that the facts concerning Clean Air Council set forth in the foregoing Petition to Intervene of the Energy Justice Advocates are true and correct (or true and correct to the best of my knowledge, information, and belief). 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 penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 4, 2024



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

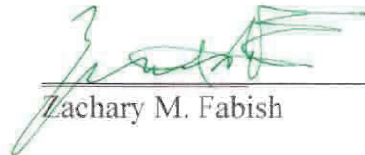
Petition of PECO Energy Company for
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2029

Docket No. P-2024-3046008

VERIFICATION

I hereby state that the facts concerning Sierra Club set forth in the foregoing Petition to Intervene of the Energy Justice Advocates are true and correct (or true and correct to the best of my knowledge, information, and belief). 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 penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 4, 2024



Zachary M. Fabish

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Period from June 1, 2025 Through May 31,
2029

Docket No. P-2024-3046008

VERIFICATION

I hereby state that the facts concerning Physicians for Social Responsibility Pennsylvania set forth in the foregoing Petition to Intervene of the Energy Justice Advocates are true and correct (or true and correct to the best of my knowledge, information, and belief). 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 penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 4, 2024

A handwritten signature in black ink, appearing to read "Joseph Venturo", written over a horizontal line.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Approval of Its Default Service Plan for the
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2029

Docket No. P-2024-3046008

VERIFICATION

I hereby state that the facts concerning PennEnvironment set forth in the foregoing
Petition to Intervene of the Energy Justice Advocates are true and correct (or true and correct to
the best of my knowledge, information, and belief). 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 penalties
of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 4, 2024

A handwritten signature in black ink, appearing to be "D. M. H.", written over a horizontal line.