



COMMONWEALTH OF PENNSYLVANIA

March 4, 2024

E-FILED

Rosemary Chiavetta, Secretary
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 (“DSP VI Petition”) / Docket Number: P-2024-3046008

Dear Secretary Chiavetta:

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

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

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

Sincerely,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: Mark Ewen
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for : Docket Number: P-2024-3046008
Approval of Its Default Service Plan for :
the Period from June 1, 2025 through May :
31, 2029 (“DSP VI Petition”) :

**PROTEST OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

The Office of Small Business Advocate (“OSBA”) files this Protest with respect to the above-captioned Petition of PECO Energy Company (“PECO”) pursuant to Sections 5.51(a) and 5.71(a)(1) of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code §§ 5.51(a) and 5.71(a)(1). In support of this Protest, 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 interests of small business consumers as a party in proceedings before the Commission.

2. Representing the OSBA in this proceeding are:

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3. PECO filed its Petition on February 2, 2024, and requests that the Commission enter an Order (1) Approving PECO's proposed DSP VI, including its default service procurement plan, implementation plan, contingency plan, and related bidder rules, SMA, credit documents, and other associated agreements, for all PECO customers who do not take generation service from an alternative electric generation supplier or who contract for energy with an alternative electric generation supplier which is not delivered; (2) Approving PECO's proposal to procure up to 16,000 Tier I Solar AECs per year in 2025 and 2026 as set forth herein and the related procurement documents; (3) Approving NERA Economic Consulting, Inc. to continue as the independent third-party evaluator for PECO's default supply procurements; (4) Finding that DSP VI includes prudent steps necessary to negotiate favorable generation supply contracts; (5) Finding that DSP VI includes prudent steps necessary to obtain least-cost generation supply on a long-term, short-term, and spot market basis; (6) Finding that PECO has not withheld from the market any generation supply in a manner that violates federal law; (7) Finding that continuation of PECO's TOU rate options for the Residential and Small Commercial Classes satisfy PECO's obligations under 66 Pa.C.S. § 2807(f)(5); (8) Granting a waiver of the rate design provisions of 52 Pa. Code § 54.187 to permit PECO to continue: (a) to procure generation for three procurement classes, (b) quarterly filing of hourly-priced default service rates, and (c) semi-annual reconciliation of the over/under collection component of the GSA for all default service customers; (9) Affirming PECO's right to recover all of its default service costs in accordance with 66 Pa.C.S. § 2807(e)(3.9); (10) Approving continuation of PECO's Standard Offer Program and the associated cost recovery mechanism; and (11) Approving PECO's proposed residential customer bill improvements as set forth herein.

4. The Petition raises issues of concern that may require the Commission to reject PECO's Petition or to approve it only after imposing conditions. Of particular concern is whether PECO would provide s formal payment protection plan for PECO's small business customers.

5. The OSBA reserves the right to raise additional issues as they arise throughout this proceeding.

WHEREFORE, the OSBA respectfully requests that the Commission reject the Petition as filed.

In the alternative, the OSBA respectfully requests that the Commission conduct a full investigation, including evidentiary hearings, into the Petition.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
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Attorney I.D. No. 201399

For:
NazAarah Sabree
Small Business Advocate

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Date: March 4, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for : Docket Number: P-2024-3046008
Approval of Its Default Service Plan for :
the Period from June 1, 2025 through May :
31, 2029 (“DSP VI Petition”) :

**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 above-captioned Petition that was filed by the PECO Energy Company with the Pennsylvania Public Utility Commission (“Commission”) on February 2, 2024. In support of this Notice of 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 consumers as a party in proceedings before the Commission.

2. Representing the OSBA in this proceeding are:

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Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
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/s/ Steven C. Gray

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Date: March 4, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for : Docket Number: P-2024-3046008
Approval of Its Default Service Plan for :
the Period from June 1, 2025 through May :
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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 (the “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 her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission or any other agency or court.

On February 2, 2024, PECO Energy Company (“Company”) filed its Petition for approval of its sixth Default Service Program for the period from June 1, 2025, through May 31, 2029, following the expiration of its current Default Service Program.

The Small Business Advocate is intervening in the above-captioned proceeding to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all the elements of the Company’s Petition is necessary to ensure that the Company’s proposals for procuring electricity are in accord with the Public Utility Code and with the Commission’s regulations and policy statement regarding default service.

In view of the foregoing, the Small Business Advocate is requesting that the Petition be subject to investigation and evidentiary hearings before the Commission. The Small Business Advocate will ask the Commission to deny or modify any aspect of the Company's proposal that is not proven by the Company to be in accord with the Public Utility Code and with the Commission's regulations and policy statement regarding default service.

Complainant:

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Dated: March 4, 2024

VERIFICATION

I, NazAarah Sabree, 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: Tue 11/11/2020



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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31, 2029 (“DSP VI Petition”) :

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise 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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Administrative Law Judge
The Honorable Arlene Ashton
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DATE: March 4, 2024

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