



March 7, 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 Prehearing Conference Memorandum 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

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(917) 628-7411

Counsel for the Energy Justice Advocates

cc:

The Hon. Administrative Law Judge Eranda Vero (w/ encl.)
The Hon. Administrative Law Judge Arlene Ashton (w/ encl.)
Certificate of Service (w/ encl.)

**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

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<p>John F. Lushis, Jr. Norris McLaughlin, P.A. 515 W. Hamilton Street, Suite 502 Allentown, Pa 18101 jlushis@norris-law.com</p>	<p>Elizabeth J Sher One Jefferson Rd Parsippany, NJ 07054 Counsel for Constellation NewEnergy Inc and esher@daypitney.com</p>

Dated: March 7, 2024

/s/ Devin McDougall

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**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

**PREHEARING CONFERENCE MEMORANDUM
OF THE ENERGY JUSTICE ADVOCATES**

March 7, 2024

I. Background

On February 2, 2024, PECO Energy Company (“PECO” or the “Company”) filed its Petition for Approval (“Petition for Approval”) of its Default Service Plan for the Period from June 1, 2025 through May 31, 2029, which was assigned Docket No. P-2024-3046008. Notice of the Petition for Approval was published in the Pennsylvania Bulletin on February 17, 2024, with an Answer/Protest date of March 4, 2024. On March 4, 2024, POWER Interfaith (“POWER”), Vote Solar, Clean Air Council, Sierra Club, Physicians for Social Responsibility Pennsylvania, and PennEnvironment (collectively, the “Energy Justice Advocates”) filed a Petition to Intervene in this proceeding (“Proceeding”).

On March 4, 2024, Administrative Law Judges (“ALJs”) Eranda Vero and Arlene Ashton issued a Prehearing Conference Order setting the date of a prehearing conference in the above-captioned proceeding for 10:00 am on March 8, 2024 and directing parties to file a prehearing memorandum by 4:30 pm on March 7, 2024. Pursuant to that order, the Energy Justice Advocates respectfully submit this memorandum.

II. Settlement

The Energy Justice Advocates are ready to engage in settlement discussions with any party to resolve or narrow the issues in this Proceeding.

III. Legal Briefs and the Necessity of Hearings

In the event that PECO, the Energy Justice Advocates, and other parties to this Proceeding are unable to resolve issues through settlement, the Energy Justice Advocates submit that the outstanding issues should be adequately analyzed and addressed on the record during

hearings and the parties should be provided the opportunity to submit initial briefs and reply briefs.

IV. Procedural Schedule, Amount of Hearing Time, and Other Procedural Matters

The Energy Justice Advocates are currently in active discussion with other parties to develop a proposed schedule (including the amount of hearing time), but have not reached a resolution yet. The Energy Justice Advocates will also be prepared to discuss with the ALJs and the Parties at the Prehearing Conference other measures as may aid in expediting the orderly conduct of these Proceedings, including, without limitation: arrangements for the submission of direct testimony of witnesses in writing in advance of the hearing to the extent practicable; arrangements for the submission in advance of the hearing of written requests for information which a party contemplates asking another party to present at hearing; the exchange and acceptance of exhibits to be offered into evidence; the obtaining of admissions or stipulations as to factual matters not in dispute, or the authenticity of documents; limitations on the number of witnesses; and, any issues that may arise concerning discovery or production of data or other material.

V. Presently Identified Issues

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 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. The Energy Justice Advocates reserve the right to address other issues as they may arise.

VI. Witnesses

The Energy Justice Advocates intend to present direct, rebuttal, and surrebuttal testimonies, as may be warranted, of the following expert witness.

Expert Witness	Anticipated Issues
Karl R. Rábago Rábago Energy 1350 Gaylord St. Denver, CO 80206 (512) 968-7543 karl@rabagoenergy.com	* Prudence of contract mix * Least cost over time issues * Adequacy and reliability of service issues

The Energy Justice Advocates reserve the right to call additional witnesses as may be required upon proper notice to Your Honors and the parties of record.

VII. Public Input Hearings

The Energy Justice Advocates request that the Commission convene at least three public input hearings in this proceeding, with at least one telephonic, given the level of public engagement at the public input hearing in the proceeding to review PECO's DSP V. The Energy Justice Advocates additionally request that the public input hearings be scheduled sufficiently in advance of the deadline for direct testimony such that material from the hearings can be incorporated in the testimony.

VIII. Discovery

The Energy Justice Advocates support the discovery modifications proposed by the Office of Consumer Advocate in its Prehearing Conference Memorandum.

IX. Service

The Energy Justice Advocates consent to receive electronic service of documents as provided in 52 Pa. Code § 1.54(b)(3). Pursuant to 52 Pa. Code § 1.55(b), service on the Energy

Justice Advocates may be made on the following individual:

Devin McDougall, Esq.
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As a courtesy, the Energy Justice Advocates request that any documents served via electronic mail also be served upon the following individuals:

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WHEREFORE, the Energy Justice Advocates respectfully submit this Prehearing
Conference Memorandum.

Dated: March 7, 2024

Respectfully submitted,

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