

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power d/b/a Allegheny Power for :
Approval of its Energy Efficiency and Conservation Plan, :
Approval of Recovery of Costs Through a Reconcilable : M-2009-2093218
Adjustment Clause and Approval of Matters Relating to :
The Energy Efficiency and Conservation Plan :

**PRE-HEARING MEMORANDUM OF THE
PENNSYLVANIA ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR
REFORM NOW (“ACORN”)**

The Pennsylvania Association of Community Organizations for Reform Now (“ACORN”), through counsel, the Pennsylvania Utility Law Project, hereby submits this Pre-hearing Conference Memorandum in the above captioned proceeding pursuant to Pre-hearing Conference Order of July 1, 2009:

1. History of the Proceeding.

On July 1, 2009, in accordance with the requirements of Act 129 and Commission Implementation Order, entered January 16, 2009, West Penn Power d/b/a Allegheny Power filed its Act 129 EE&C Plan with the Commission at Docket No. M-2009-2093218. On July 24, 2009, ACORN filed a Petition to Intervene in this proceeding.

2. Issues to be Presented.

Act 129 identifies low income customers as a specific group of customers designated to receive specific energy saving levels in the EE&C Plans.

The Plan shall include specific energy efficiency measures for households at or below 150% of the federal poverty income guidelines. The number of measures shall be proportionate to those households’ share of the total energy usage in the service

territory.¹

The Commission, in its Implementation Order, noted:

There are clear requirements in the Act regarding proportionate measures for low-income customers (within a residential customer class) as well as for governments, schools, etc. (within a commercial customer class). Beyond those requirements, we believe that EDCs should develop plans to achieve the most energy savings per expenditure.²

The Company's proposes an EE&C Plan intended to address and comply with the requirements of ACT 129, including specifically, the low income requirements.

ACORN intends to address, among other issues,

- a) whether the proposed EE&C Plan ensures that the low income population, as defined in the Act, is correctly targeted;
- b) whether low income customers obtain a share of the total energy savings that is proportionate to low income households' share of total energy usage;
- c) whether the energy reduction measures employed comport with and satisfy Act 129 requirements;
- d) whether the methods of coordination of services and providers comport with and satisfy Act 129 requirements;
- e) whether Allegheny Power's Plan adequately complies with the requirement of Act 129 that "The electric distribution company shall coordinate measures under this clause with other programs administered by the Commission or another federal or state agency;"³

¹ 66 Pa. C.S. §§ 2806.1(b)(1)(I)(G).

² *Energy Efficiency and Conservation Program Implementation Order*, Docket No. M-2008-2069887, (Order entered January 15, 2009), at 22.

³ 66 Pa. C.S. §2806.1(b)(1)(I)(G).

- f) whether the Plan adequately addresses the provision of services to multi-family dwellings and non-profit agencies serving the low income;
- g) Whether the inclusion of low income households in Allegheny's "Pay Ahead (Smart) Service Rate"⁴ relating to advanced payment for low income customers is prohibited under 52 Pa. Code § 56.17(3)(i);
- h) Whether the Company's proposal to place a code on customer accounts which will trigger an alert for investigation should the customer's usage exceed 10% above historical usage prior to installed measures⁵ requires clarification, limitation and protective measures.

3. Witnesses and Testimony.

At this time, ACORN has not identified a witness or witnesses. The Commission and all parties to this proceeding will be promptly advised, if and when such a decision is made.

4. Service on ACORN

Harry S. Geller, Esq. and John C. Gerhard, Esq., Pennsylvania Utility Law Project, 118 Locust St., Harrisburg, PA, 171016, whose telephone number is 717-232-2719 and electronic mail addresses are: hgellerpulp@palegalaid.net and jgerhardpulp@palegalaid.net.

Respectfully submitted by:

/s/ Harry S. Geller

Harry S. Geller, Esq. PA Attorney I.D. # 22415

John C. Gerhard, Esq. PA Attorney I.D. # 94809

Attorneys on behalf of ACORN

Pennsylvania Utility Law Project

118 Locust Street

Harrisburg, PA 17101-1414

(717) 232-2719

July 24, 2009

⁴ *Allegheny EE&C Plan* at 13 and 19.

⁵ *Id* at 86-87, 92, and 98.