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| **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | |
| Public Meeting held January 27, 2011 | |
| Commissioners Present:  James H. Cawley, Chairman  Tyrone J. Christy, Vice Chairman  John F. Coleman, Jr.  Wayne E. Gardner  Robert F. Powelson | |
| Petition of PECO Energy Company for Approval of its Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program | Docket No. M-2009-2093215 |

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are proposed revisions to the Energy Efficiency and Conservation (EE&C) Plan of PECO Energy Company (PECO). As discussed further herein, this September 15, 2010 filing proposes changes in the EE&C Plan for PECO that was previously approved by this Commission. Also before the Commission is a non-unanimous Joint Stipulation (Joint Stipulation), filed on November 16, 2010.

# I. Background[[1]](#footnote-1)

Governor Edward G. Rendell signed Act 129 of 2008 (Act 129) into law on October 15, 2008. The Act took effect thirty days thereafter on November 14, 2008. Act 129 has several goals including reducing energy consumption and demand. Act 129, *inter alia*, amended the Public Utility Code (Code), 66 Pa. C.S. §§ 101 *et seq*., to require the Commission to develop and adopt an EE&C Program by January 15, 2009. The Commission’s EE&C Program is to include the following:

* A procedure for approving EE&C plans submitted by electric distribution companies (EDCs).
* A process to evaluate and verify the results of each plan and the program as a whole.
* A process through which recommendations can be made for the employment of additional consumption reduction measures.
* A cost recovery mechanism to ensure that measures approved are financed by the customer class that directly receives the energy and conservation benefits.

66 Pa. C.S. § 2806.1(a).

By Opinion and Order entered January 16, 2009, at Docket No. M-2008-2069887, *In re: Energy Efficiency and Conservation Program* (*Implementation Order*), the Commission established the standards that EE&C plans must meet and provided guidance on the procedures to be followed for submittal, review and approval of all aspects of EE&C plans. The *Implementation Order* stated:

Regarding approved plans, the Commission will permit EDCs and other interested stakeholders, as well as the statutory advocates, to propose plan changes in conjunction with the EDC’s annual report filing required by the Act at 66 Pa. C.S. § 2806.1(i)(1). The Commission will establish a deadline for the filing of annual reports by the EDCs following the approval of the EDCs’ plans in 2009. These annual reports are to be served on OCA, OSBA and OTS. The Commission will also post the annual reports on a web page dedicated to the EE&C program. The Commission and any interested party can make a recommendation for plan improvement or object to an EDC’s proposed plan revision within 30 days of the annual report filing. EDCs will have 20 days to file replies, after which the Commission will determine whether to rule on the recommended changes or refer the matter to an ALJ for hearings and a recommended decision. The Commission notes that, in addition to the above-described process, the Commission retains its statutory authority to conduct investigations and initiate statutory and regulatory compliance proceedings against jurisdictional utilities.

*Implementation Order* at 24*.*

On July 1, 2009, PECO filed its Petition of PECO Energy Company for Approval of its Energy Efficiency and Conservation Plan and Expedited Review of its Compact Florescent Lamp Program (July 2009 Plan). The matter was assigned to Administrative Law Judge Marlane R. Chestnut (ALJ Chestnut). By Order Certifying the Record dated September 14, 2009, ALJ Chestnut provided a history of the proceeding; delineated the transcripts, statements and exhibits admitted into the record; and certified the record to the Commission for our consideration and disposition. By Opinion and Order entered October 28, 2009 (*October 2009 Order*), *inter alia*, we approved in part and rejected in part PECO’s July 2009 Plan and directed PECO to file a revised plan within sixty days.

On December 23, 2009, PECO filed a revised EE&C Plan (December 2009 Plan). Following our review of the Comments and Reply Comments filed regarding the December 2009 Plan, we approved the December 2009 Plan and the corresponding tariff supplement by Opinion and Order entered February 17, 2010 (*February 2010 Order*).

By Secretarial Letter issued June 24, 2010 (*June 2010 Secretarial Letter*), the Commission provided updated guidance to the EDCs regarding the 2010 Act 129 annual reporting requirement. Specifically, for the EE&C plan year ending May 31, 2010, the Commission required the EDCs to submit their annual report and any proposed EE&C plan revisions by September 15, 2010. The Commission would accept recommendations for plan improvements, or objections to proposed changes in the plans, within thirty days. Interested parties could submit replies to plan recommendations or objections to proposed changes during the next twenty days. The *June 2010 Secretarial Letter* stated that the Commission would subsequently decide whether to refer the proceeding to the Office of Administrative Law Judge (OALJ) for hearing.

By Secretarial Letter issued September 1, 2010, the Commission provided guidance to EDCs regarding the format of revised EE&C plans, including a requirement that all changes to text and tables be reflected in a black-lined version of the EE&C Plan.

# II. Procedural History

On September 15, 2010, PECO filed: (1) its Annual Report to the Pennsylvania Public Utility Commission reflecting its EE&C program during the period June 2009 through May 2010; (2) an Executive Summary of PECO Energy Company’s Proposed Plan Revisions (Executive Summary); and (3) a black-lined copy of PECO Energy Company’s Energy Efficiency and Conservation Plan (September 2010 Plan), marked to show changes from the December 2009 Plan.

On October 5, 2010, the Office of Small Business Advocate (OSBA) filed an Answer to the September 2010 Plan (OSBA Answer). The OSBA stated, *inter alia*, that its witness had identified deficiencies and questions about the proposed revisions to the Plan, and argued that these deficiencies and questions should be addressed through discovery, testimony, hearings, and briefs. OSBA Answer at 2.

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On October 18, 2010, the Pennsylvania Communities Organizing for Change (PCOC) filed a Petition to Intervene (PCOC Petition) [[2]](#footnote-2) and Comments on the September 2010 Plan. Comments were also received from the Philadelphia Association of Community Development Corporations (PACDC) on October, 15, 2010.

On October 18, 2010, the Pennsylvania Association of Community Organizations for Change Now (ACORN) filed a Petition to Withdraw (ACORN Petition). [[3]](#footnote-3) In its Petition, ACORN explained that on April 1, 2010, it dissolved its status as a corporate entity and ceased to exist as an organization. ACORN stated that PCOC is “a non-profit organization with a deep understanding of low-income communities and their unique utility related issues” and that low-income households will have “suitable representation” in this proceeding. ACORN Petition at 2.

On October 25, 2010, PECO filed a Reply to New Matter in the Answer of the Office of Small Business Advocate (PECO Reply). In its Reply, PECO explained, *inter alia*, that it has “begun productive discussions with the OSBA in an attempt to resolve the concerns expressed in its Answer.” Therefore, PECO submitted that this matter did not need to be assigned to the Office of Administrative Law Judge (OALJ). PECO Reply at 2.

By Secretarial Letter dated November 9, 2010, the Commission granted the OSBA’s request for hearings and assigned this matter to the OALJ for further proceedings.

A Prehearing Conference was held before Administrative Law Judges Elizabeth H. Barnes and Dennis J. Buckley on November 10, 2010, in Harrisburg. The Parties present at the hearing and represented by counsel were: PECO; the Office of Trial Staff (OTS); the Office of Consumer Advocate (OCA); the OSBA; the Pennsylvania Department of Environmental Protection (DEP); State Representative Mark B. Cohen; Philadelphia Area Industrial Energy Users Group (PAIEUG); PCOC; Constellation NewEnergy; and the City of Philadelphia. In addition to most of the Parties appearing at the Prehearing Conference, *supra*, the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN, *et al.*) also filed a Prehearing Memorandum on November 9, 2010.

On November 16, 2010, with the exception of PAIEUG[[4]](#footnote-4), all of the Parties that filed a Prehearing Memorandum and/or attended the November 10, 2010 hearing, *supra*, filed a Joint Stipulation (Joint Stipulation). The Parties stipulated that:   
(1) hearings and briefs are not necessary to resolve any issues regarding PECO’s September 2010 Plan; (2) the Commission should expeditiously proceed with its consideration of the September 2010 Plan; and (3) the Parties have no objection to the implementation of the September 2010 Plan as filed on September 15, 2010. Joint Stipulation at 2.

# III. Description of the Plan

**A. Description of the Existing Plan**

PECO’s Plan contains nine programs primarily designed to improve the efficiency of the energy consumption of PECO’s customers and eight programs primarily designed to reduce customers’ contribution to system peak load.[[5]](#footnote-5) The seventeen programs currently contain a total of 356 measures to achieve energy consumption and demand reduction. September 2010 Plan at 16. The nine energy efficiency programs are:

1. CFL Initiative

2. Low Income Energy Efficiency

3. Residential Whole Home Performance

4. Residential Home Energy Incentives

5. Residential New Construction

6. Residential Appliance Pickup

7. Commercial/Industrial Equipment Incentives

8. Commercial/Industrial New Construction

9. Government/Public/Non-Profit Facility Energy Savings

*Id*. at 20.

The eight demand reduction programs contained in PECO’s Plan are:

1. Residential Direct Load Control

2. Residential Super Peak TOU

3. Commercial & Industrial Direct Load Control

4. Commercial & Industrial Super Peak TOU

5. DR Aggregator Contracts

6. Distributed Energy Resources

7. Permanent Load Reduction

8. Conservation Voltage Reduction

*Id*. at 144*.*

PECO explains that, in order to meet the requirements of Act 129, its Plan is designed to meet the following milestones:

• Achieve a 1% energy savings in PECO’s load (approximately 393,850 MWh) by May 31, 2011 (the end of Program Year (PY) 2010).

• Achieve a 3% energy savings in PECO’s load (approximately 1,181,550 MWh) by May 31, 2013 (the end of PY 2012).

• Achieve a 4.5% reduction in PECO’s peak demand sustained for the highest 100 peak hours (approximately 355 MW) by May 31, 2013 (the end of PY 2012).

• Spend 2% of PECO’s annual revenue or $85.5 million for a maximum of $341.9 million over the four-year period from June 1, 2009 to May 31, 2013.

• Achieve at least 10% of the total EE&C program portfolio energy savings through programs directed toward PECO’s government and public sector/non-profit customers.

*Id.* at 13.

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## B. Description of the Proposed Changes

1. **CFL Program**

The CFL initiative was designed to substantially increase the saturation of compact fluorescent lamps (CFLs) in PECO’s service area by providing discounts on the price consumers pay for lamps at retail outlets.The CFL initiative was also intended to get customers accustomed to taking steps to improve their energy efficiency.*Id.* at 21.

PECO avers that the CFL Program has been extremely successful. PECO reports that since its inception in October 2009 through July 2010, over 3.3 million discounted CFL bulbs have been sold resulting in over 154,000 in MWh savings. PECO states that these results have exceeded the initial Plan’s projected 1.76 million in CFL sales and 88,000 in MWh savings. As discussed, *infra*, PECO proposes to transfer $3.5 million into the CFL Program, with $1.7 million being transferred from the Residential New Construction Program and $1.8 million coming from the Whole Home Performance Program. PECO projects that the additional $3.5 million transferred to the CFL Program is expected to result in an additional 3.2 million discounted bulbs sold at retailers, 144,000 in MWh energy savings and a demand reduction of 8 MW. *Id*. at 33-34.

1. **Low Income Energy Efficiency Program – Energy Efficient Refrigerators**

The Low Income Energy Efficiency Program provides, *inter alia*, residential energy audits, customer education and direct installation of measures for low income customers. *Id*. at 35-36. PECO proposes to amend this program to provide a “limited number” of low-income customers with an energy-efficient refrigerator, thus replacing and removing the customer’s existing inefficient unit. This measure will be limited to customer locations that have not received Low-Income Usage Reduction Program or Low-Income Energy Efficiency Program weatherization. PECO explains that at the time of its original EE&C Plan filing, the kWh savings were not approved by the Statewide Evaluator (SWE) for this measure. *Id*. at 45.

1. **Residential Whole Home Performance - Shift in Funding to CFL Program and New Pilot Program**

The Whole Home Performance (WHP) program combines an Energy Star audit and other services to “educate and empower” residential customers to make energy efficient home improvements. The WHP program also provides a very limited set of low-cost measures and recommends that customers undertake other measures using financial incentives from other PECO programs. *Id*. at 46-47.

PECO anticipates that the WHP program protocols will be approved by the SWE and a vendor selected by the second quarter of 2011. Accordingly, PECO plans to launch the WHP program during the third quarter of 2011. As a result of this time interval, PECO avers that there is an opportunity to achieve savings more immediately by shifting $1.8 million of the funding originally budgeted for the WHP program to the CFL Initiative. *Id*. at 59-60.

PECO is also proposing to modify the WHP program to include an initial pilot of 50 electric-heated homes with a focus on PECO rate Residential Heat (RH) customers. The purpose of the pilot is to assess potential program savings and to ascertain the breadth and depth of the energy efficiency actions taken by its customers. The pilot will include pre- and post-testing consistent with the ENERGY STAR program. The results of the pilot will be used to structure the future program. *Id*. at 59.

1. **Residential Home Energy Incentives Program - Reduction in Rebates and New Measures**

In order to increase the penetration of ENERGY STAR appliances and other high-efficiency measures in homes, the Home Energy Incentive (HEI) Program offers cash rebates for the purchase and installation of qualifying home equipment for lighting fixtures, heating, cooling, appliances and shell improvements. *Id*. at 62.

PECO explains that, based on the overwhelming popularity of the rebates and the SWE’s recommendation of recognizable kWh savings, PECO is requesting a reduction in the rebates offered for clothes washers, dishwashers, refrigerators, freezers and room A/C units. *Id.* at 66 and 73. PECO is also proposing to add twenty additional measures that are eligible for rebates/incentives. PECO explains that these measures were not included in PECO’s original Plan, but are approved in the Technical Reference Manual (TRM), have Interim TRM Protocols, or are under final review with the SWE. *Id*. at 73-74. In addition, the annual kWh and kW savings estimates for a number of HEI Program Measures have also been revised in the Plan. *Id*. at 66.

1. **Residential New Construction Program - Shift in Funding to CFL Program**

As originally proposed in PECO’s Plan, the Residential New Construction Program had been designed to increase the use of energy efficiency measures and standards in the design, construction and operation of single family homes and renovated or reconstructed homes. PECO proposed to offer rebates and education programs to designers/builders and owners/builders for the installation of high efficiency end-use equipment and building envelope measures. PECO explains that since the filing and approval of its initial Plan, building codes and standards have changed and become more stringent. In addition, new home construction has slowed. PECO avers that, as a result, it has become more difficult to achieve incremental energy savings from this program. Consequently, PECO is recommending that $1.7 million of the $2.4 million budgeted for the Residential New Construction Program be transferred to the CFL Program. PECO proposes that the remaining $700,000 be used to provide incentives to builders for installing high efficiency HVAC and appliances in residential new construction.   
*Id.* at 88.

1. **Appliance Pick-up Program – Reduce Incentive for AC Unit   
   Pick-up.**

The primary purpose of the Appliance Pick-up Program is to prevent existing refrigerators, freezers and room air conditioners from being used as secondary units when customers purchase new units. *Id*. at 89. PECO explains that, based on a review by the SWE, the 1,174 kWh savings associated with recycling a room air conditioning unit changed to 353 kWh. Consequently, PECO is proposing to reduce the rebate amount customers receive for recycling an air conditioning unit from $25 to $10. *Id*. at 98.

1. **Commercial/Industrial/Government/Non-Profit Programs – New Measures Eligible for Incentives**

The Commercial/Industrial Equipment Incentive Program and one of the components of the Government/Public/Non-Profit Facility Energy Savings Program provide rebates for the installation of energy efficient equipment in existing buildings. *Id*. at 99-100, 129. PECO submits that, in consultation with its Conservation Service Provider, KEMA Services, Inc. (KEMA), PECO is proposing to add twenty-three new measures eligible for rebates to the Commercial/Industrial Equipment Incentives Program and the Government/Public/Non-Profit Facility Energy Savings Program. PECO avers that KEMA’s experience in executing energy efficiency programs in other jurisdictions has shown that adding the proposed set of measures extends the reach of energy efficiency efforts and savings to grocery stores, food service establishments, small business customers, and non-profit institutions. PECO states that the addition of these measures to the Plan will not impact the total cost of the programs as the incentives can be funded under the existing approved budget. *Id*. at 116-117.

**IV. Discussion**

In Commission proceedings, the proponent of a rule or order bears the burden of proof. 66 Pa. C.S. § 332(a). To satisfy that burden, the proponent of a rule or order must prove each element of its case by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is established by presenting evidence that is more convincing, by even the smallest amount, than that presented by the other parties to the case. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, this Commission’s decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC,* 489 Pa. 109, 413 A.2d 1037 (1980).

In this case, PECO is asking the Commission for approval to make changes to its approved EE&C Plan. PECO therefore bears the burden of proving, by a preponderance of the evidence, that the proposed modifications to its EE&C Plan results in an EE&C Plan that continues to satisfy the requirements of Act 129 and the prior related Orders of the Commission.

We note that any issue we do not specifically address herein has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. [Consolidated Rail Corporation v. Pa. PUC, 625 A.2d 741 (Pa. Cmwlth. 1993);](file://C:\research\buttonTFLink?_m=69761b6202cb4178e2a6e6fe02f5751b&_xfercite=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b2000%20Pa.%20PUC%20LEXIS%2067%20%5d%5d%3e%3c\cite%3e&_butType=3&_butStat=242&_butNum=5&_butInline=1&_butinfo=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b625%20A.2d%20741%5d%5d%3e%3c\cite%3e&_fmtstr=FULL&docnum=5&_startdoc=1&_startchk=1&wchp=dGLSzS-lSlbz&_md5=ad2b02d95c2a9216e83b92a3570d4785) see also, generally, [University of Pennsyl­vania v. Pa. PUC, 485 A.2d 1217 (Pa. Cmwlth. 1984).](file://C:\research\buttonTFLink?_m=69761b6202cb4178e2a6e6fe02f5751b&_xfercite=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b2000%20Pa.%20PUC%20LEXIS%2067%20%5d%5d%3e%3c\cite%3e&_butType=3&_butStat=242&_butNum=6&_butInline=1&_butinfo=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b485%20A.2d%201217%5d%5d%3e%3c\cite%3e&_fmtstr=FULL&docnum=5&_startdoc=1&_startchk=1&wchp=dGLSzS-lSlbz&_md5=9b1cc8319afd12440738bb82d74455ef)

**A. Proposed Plan Revisions**

As discussed, *supra*, the Parties have submitted a Joint Stipulation that states, *inter alia*, that they have no objection to the implementation of the September 2010 Plan as filed. Joint Stipulation at 2. Based on our review of the information presented in the September 2010 Plan, we find that the proposed revisions set forth in the September 2010 Plan result in an EE&C Plan that continues to satisfy the requirements of Act 129 and the prior related Orders of the Commission. The revisions proposed in the September 2010 Plan should enable PECO to meet or exceed the energy consumption and demand reduction requirements of the Act in a more cost-effective manner. Therefore, we find that the September 2010 Plan modifications should be approved.

**B. Future Plan Revisions**

In the Executive Summary, PECO states that, as part of this filing, it is requesting the flexibility going forward to add additional measures to the Plan that have kWh savings protocols and which have received preliminary approval by the SWE. PECO requests that, as measures are approved for inclusion in the TRM, as measures are added to the TRM, or as Custom Measure Protocols are approved, it have the ability to incorporate these measures into its Plan without the need to re-file its Plan with the Commission. PECO argues that the ability to add measures without filing a Plan revision will ensure that new measures are provided to PECO’s customers promptly after they are added to the TRM and at the same time save Commission resources. Executive Summary at 1-2.

By way of background, we note that, in its July 2009 Plan, PECO included provisions to make “mid-course” corrections to its EE&C Plan without seeking Commission approval.[[6]](#footnote-6) PECO proposed, *inter alia*, to subsequently “notify” the Commission of Plan changes as part of its annual evaluation and reporting requirements. July 2009 Plan at 216-217. In the *October 2009 Order*, we rejected PECO’s proposed procedures for “mid-course” corrections and directed that PECO’s Plan “be redrafted to reflect that all [Plan] modifications shall be submitted to the Commission as a petition to modify this, or subsequent, Opinions and Orders addressing its Plan.” Ordering Paragraph No. 8, *October 2009 Order* at 98. In lieu of redrafting its Plan as directed by the *October 2009 Order*, *supra*, PECO deleted the entire section of its Plan that addressed “mid-course” corrections. December 2009 Plan (Blackline) at 227-228.

Despite the above-referenced statement in the Executive Summary, PECO’s request to change its Plan without Commission review and approval has not been included in its September 2010 Plan as an addition or modification to its December 2009 Plan. Moreover, PECO has not petitioned the Commission to modify an Opinion and Order. Consequently, we find that PECO has not properly requested a modification in the procedure for implementing changes to its Plan, and no action by the Commission on the proposal is warranted at this time. Rather, it is sufficient to quote the following statement from our *October 2009 Order*:

Section 2806.1(b)(2) expressly states that the “Commission shall direct” an EDC to modify or terminate any part of its approved plan if, after an adequate period for implementation, “the Commission determines that an energy efficiency or conservation measure will not achieve the required reductions in consumption in a cost-effective manner.” 66 Pa. C.S. § 2806(b)(2). Section 2806.1(b)(3) sets forth the action an EDC is required to take in response to a Commission direction to modify or terminate part of the approved plan. Specifically, the EDC is required to submit a revised plan describing the actions to be taken, to offer substitute measures, or to increase the availability of existing measures in the plan to achieve the reductions in consumption. 66 Pa. C.S. § 2806.1(b)(3).

Because the EDC’s Act 129 Plan will be approved by Commission order, procedures for rescission and amendment of Commission orders must be followed to amend that order and to assure due process for all affected parties. See 66 Pa. C.S.  § 703(g) (relating to fixing of hearing: rescission and amendment of orders). Accordingly, if the EDC believes that it is necessary to modify its Act 129 Plan, the EDC may file a petition requesting that the Commission rescind and amend its prior order approving the plan. See 52 Pa. Code §§ 5.41 (relating to petitions generally) and 5.572 (relating to petitions for relief).

The EDC’s petition should explain the specific reasons supporting its requested modifications to its approved plan; i.e., the shifting of funds between programs or customer classes, the discontinuation of a program, etc. The petition should also contain a request to modify its cost recovery mechanism. Evidence supporting the modification of the plan and the cost recovery mechanism shall be submitted with the petition. The petition shall be served on all parties participating in the EDC’s Act 129 Plan proceeding. If the EDC believes that the need for modification of its plan is immediate, the EDC can request expedited consideration of its petition. Accordingly, PECO’s proposed procedures for “mid-course’ corrections set-forth on page 216 of Volume II of its Plan are rejected and shall be redrafted to reflect that all Plan modifications require Commission review and approval.

*October 2009 Order* at 42-43. As further indicated in our *October 2009 Order*, if PECO, or another Party, believes that time is of the essence with regard to a proposed Plan modification, that Party can request expedited consideration of a petition to modify the Commission’s Opinion and Order approving PECO’s EE&C Plan.

**V. Conclusion**

For the reasons set forth, *supra,* we approve the revisions to PECO’s EE&C Plan, contained in the September 2010 Plan; **THEREFORE,**

**IT IS ORDERED:**

1. That PECO Energy Company’s proposed revisions to its Energy Efficiency and Conservation Plan, filed on September 15, 2010, are approved, consistent with this Opinion and Order.
2. That PECO Energy Company is permitted to implement its Energy Efficiency and Conservation Plan, as filed on September 15, 2010, consistent with this Opinion and Order.

**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: January 27, 2011

ORDER ENTERED: January 28, 2011

1. A description of : (1) Act 129; (2) the Commission’s various Act 129 proceedings; (3) PECO’s previous EE&C Plans; and (4) the Commission’s review and approval of PECO’s EE&C Plan was set forth in our Opinions and Orders at this Docket entered on October 28, 2009 and February 17, 2010. [↑](#footnote-ref-1)
2. On October 18, 2010, PCOC re-filed its Petition to correct an e-filing rejection of the document it previously filed on October 15, 2010. [↑](#footnote-ref-2)
3. On October 18, 2010, ACORN re-filed its Petition to Withdraw to correct an e-filing rejection of the Petition it previously filed on October 15, 2010. [↑](#footnote-ref-3)
4. The Joint Stipulation represents that PAIEUG does oppose the Joint Stipulation. Joint Stipulation at 1. [↑](#footnote-ref-4)
5. While the programs have a primary objective of reducing either energy consumption or peak demand, the energy reduction programs will also produce demand reductions and the demand reduction programs will also produce energy savings. September 2010 Plan at 5. [↑](#footnote-ref-5)
6. This section of PECO’s July 2009 Plan was entitled “Flexibility in Program Spend.” [↑](#footnote-ref-6)