

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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February 28, 2013

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

RE: West Penn Power Company's Request for  
Expedited Approval of Proposed Minor  
EE&C Plan Changes Pursuant to the June  
10, 2011 Final Order in Docket No. M-  
2008-2069887  
Docket No. M-2009-2093218

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Comments in the above-referenced matter.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christy M. Appleby".

Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824

Enclosure

cc: Certificate of Service  
166464

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company's Request for :  
Expedited Approval of Proposed Minor EE&C : Docket No. M-2009-2093218  
Plan Changes Pursuant to the June 10, 2011 :  
Final Order in Docket No. M-2008-22069887 :

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COMMENTS  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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**I. INTRODUCTION**

On February 13, 2013, West Penn Power Company (West Penn or Company) filed its Request for Expedited Approval of Minor Act 129 EE&C Plan Changes Pursuant to the June 10, 2011 Final Order in Docket No. M-2008-2069887 (Request) with the Public Utility Commission (Commission). In its Request, West Penn seeks approval to move funds from the summer 2013 Critical Peak Rebate Rate (CPR) program into the Residential Energy Efficient HVAC Equipment Program, which has exhausted its program budget. West Penn Request at 4-5. West Penn also seeks to increase the budget of its Residential Appliance Turn-In Program which projected to exhaust its approved budget and to correspondingly decrease the budget of the Residential Home Performance Program, which is projected to be under budget. West Penn Request at 5.

The Company's Request was filed pursuant to the Commission's Final Order entered June 10, 2011, in Docket No. M-2008-2069887 (Final Order). In the Final Order, the Commission set forth a process for expedited approval of minor changes to approved Act 129

Energy Efficiency & Conservation (EE&C) Plans. Final Order at 18-20. In the Final Order, the Commission provided the following definition of “minor changes:”

1. The elimination of a measure that is underperforming, no longer viable for reasons of cost-effectiveness, savings or market penetration or has met its approved budgeted funding, participation level or amount of savings;
2. The transfer of funds from one measure or program to another measure or program within the same customer class; and
3. Adding a measure or changing the conditions of a measure, such as its eligibility requirements, technical description, rebate structure or amount, projected savings, estimated incremental costs, projected number of participants or other conditions so long as the change does not increase the overall costs to that customer class.

Final Order at 19-20.

The Final Order permits interested parties to file comments to proposed minor EE&C Plan changes within fifteen days and reply comments within ten days after comments are submitted. Final Order at 19. The OCA provides these Comments pursuant to the Final Order. The OCA submits that West Penn’s proposed minor EE&C Plan changes are within the definition of “minor changes” and meet the filing requirements in the Final Order. The OCA further submits that West Penn’s proposed minor changes appear reasonable and should be approved.

## **II. COMMENTS**

In its Request, West Penn has requested to transfer \$500,594 from the Critical Peak Rebate (CPR) Rate-Residential Program to the Residential Energy Efficient HVAC Equipment Program. West Penn Request at 4. The Company avers that the Residential Energy Efficient HVAC Equipment Program has exceeded the Company’s projections and has exhausted its program budget. Id. In order to allow for the program to continue through May 31, 2013, West Penn proposes to increase its budget by \$500,594. Id. With the additional dollars, West Penn

proposes that the program will exceed its May 31, 2013 energy savings target. In order to fund the continuance of the program, West Penn proposes to decrease the budget for the Critical Peak Rebate (CPR) Residential Program by \$500,594 because the Commission has determined that demand response programs would not be included in the Phase II EE&C programs. West Penn Request at 5. The Company asserts that the majority of the activity occurred during the summer of 2012 and West Penn anticipates no significant activity prior to the program's expiration on May 31, 2013. Id. at 4-5.

Also in its Request, West Penn seeks approval to increase the budget of the Residential Appliance Turn-In Program by \$212,168 to allow for the continuation of the program through May 31, 2013. Id. West Penn proposes to decrease its budget for the Residential Home Performance Program by \$212,168. Id. According to the Company, the Residential Home Performance Program will be under-budget in excess of this amount on May 31, 2013. Id.

As stated in West Penn's Request, these budget changes will have no net effect on the Company's approved EE&C Plan or the residential rate in the EEC-C Rider. Id. According to West Penn, the proposed budget changes will have a negligible impact on the cost-effectiveness of the Programs. West Penn Request at 5; West Penn Request at Exh. B.

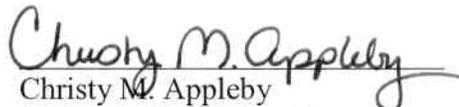
The OCA submits that West Penn's proposed Program changes meet the definition in the Final Order because they seek to transfer funds from one program to another within the same customer class. See Final Order at 20. Transferring funds from under-performing programs to programs with nearly exhausted or exhausted budgets is a more efficient use of the ratepayer funds that pay for the Act 129 EE&C Plan. It is unfortunate that West Penn's Critical Peak Rebate Program is expiring at the end of May 31, 2013 after only one summer of use. The Commission, however, has spoken on the issue and has not required that the Program be

continued as part of the Act 129 EE&C Plans. See Energy Efficiency and Conservation Program, Docket Nos. M-2012-2289411 et al., Implementation Order at 42-43 (August 3, 2012).

### III. CONCLUSION

For the foregoing reasons, the OCA submits that West Penn's Request for Expedited Approval of Minor Act 129 EE&C Plan Changes should be approved.

Respectfully Submitted,

  
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DATE: February 28, 2013  
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CERTIFICATE OF SERVICE

West Penn Power Company's Request : Docket No. M-2009-2093218  
For Expedited Approval of Proposed Minor :  
EE&C Plan Changes Pursuant to the June :  
10, 2011 Final Order in Docket No. :  
M-2008-2069887 :

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 28<sup>th</sup> day of February 2012.

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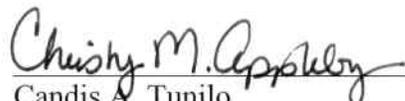
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