**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities for Approval :

of its Act 129 Phase III Energy Efficiency and : M-2015-2515642

Conservation Plan :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

 On December 14, 2015, PPL Electric Utilities Corporation (PPL or Petitioner) filed with the Pennsylvania Public Utility Commission(Commission) its “Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan, asking that the Commission approve the Energy Efficiency and Conservation Plan (EE&C Plan), which is designed to reduce energy consumption and demand in its service territory in accordance with the requirements of Act 129, 66 Pa.C.S.A.§2806.1, and the Implementation Order entered June 19, 2015 by the Commission at Docket No.

M-2014-2424864 (*Implementation Order).*

Notice of the filing, as well as of the prehearing conference scheduled for January 5, 2015 and applicable procedural requirements (including intervention) was provided in the *Pennsylvania Bulletin*, at 45 Pa.B. 7078 (December 12, 2015). The notice of prehearing conference was issued on December 8, 2015.

The Office of Consumer Advocate (OCA) filed its notice of intervention and public statement on December 10, 2015.

On December 11, 2015, the Company filed Corrected Tables to its filing.

The Office of Small Business Advocate (OSBA) filed its notice of intervention and public statement on December 17, 2015.

On December 18, 2015, a prehearing order was issued which, among other things, directed the filing of prehearing memos on or before Monday, January 4, 2016 at noon.

The following filed petitions to intervene: Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) on December 17, 2015; Sustainable Energy Fund (SEF), on December 21, 2015; Commission on Economic Opportunity (CEO) on December 22, 2015; Wal-Mart Stores East LP and Sam's East Inc., (Walmart), on December 31, 2015; PP&L Industrial Customer Alliance (PPLICA) on January 4, 2015 (petition to intervene and answer); Retail Energy Supply Association (RESA), on January 4, 2016; and Nest Labs, Inc., on January 4, 2016.

Prehearing memos were filed by each party, and the prehearing conference was held as scheduled on January 5, 2015. The procedural issues addressed were contained in the Scheduling Order dated January 7, 2016.

Following the prehearing conference, an additional petition to intervene was filed by EnerNOC, Inc. (EnerNOC) on January 8, 2016. PPL Electric filed its motion in opposition to the petition on January 11, 2016, and EnerNOC filed a reply to the motion on January 12, 2016. Originally, this petition to intervene was held in abeyance for decision by the Commission in its consideration of this matter. At the evidentiary hearing, Company counsel stated that the settlement included EnerNOC's issues, which mooted the Company's opposition. Consequently, their opposition was withdrawn at the evidentiary hearing, Tr. 28-29, and the intervention is granted in this Order.

On January 12, 2016, OSBA filed a letter stating that it was not submitting direct testimony in this matter.

On January 22, 2016, OCA filed a letter containing an errata to its Statement No. 1, the direct testimony of Stacey L. Sherwood. Note that the testimony admitted to the record is the corrected testimony. Tr. 34-35.

On January 25, 2016, PPL Electric filed the rebuttal testimony of Peter Cleff, Statement No. 1-R, and M. Hossein Haeri, Statement No. 2-R. Also on January 25, 2016, Walmart filed a letter indicating that it would not be submitting rebuttal testimony, and PPLICA filed an updated Appendix A containing the list of members for this proceeding.

On January 26, 2016, PPL Electric filed a motion to strike certain portions of the direct testimony of PPLICA, which the motion alleges raises issues and recommendations that are both outside the scope of this proceeding and involve statewide application. This motion was deferred to the adjudicator.

Also on January 26, 2016, CAUSE-PA filed a letter advising that it was substituting Harry Geller for its previously announced witness, Mitchell Miller due to a conflict.

On January 28, 2016, counsel informed me that a global settlement had been reached with the exception of a single issue raised by PPLICA, which will be argued in briefs.

On January 29, 2016, the evidentiary hearing was held for the purpose of accepting the prepared testimony into the record. The testimony and exhibits are listed in the ordering paragraphs.

On February 16, 2016, the Company filed a Settlement Agreement covering all but one issue remaining between the Company and PPLICA. Also on that day, the following filed Statements in Support of the Petition for Settlement: CEO, OSBA, OCA, CAUSE-PA, PPL Electric, EnerNOC, Nest Labs, PPLICA, and SEF. Walmart and RESA filed letters taking no position on the settlement but not opposing it.

Also on February 16, 2016, PPL Electric and PPLICA each filed a Brief on the sole remaining issue.

On February 18, 2016, PPL Electric filed its letter explaining that it is not filing a revised plan because several aspects of its plan will need to be changed after the Commission rules upon the settlement and the outstanding issue. Therefore, the necessary changes will appear in the Company's compliance filing.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene of EnerNOC, Inc., is granted.

2. That the following documents comprise the evidentiary record in this case:

a. The transcript of the prehearing conference held on January 5, 2016, consisting of pages 1 through 17.

b The transcript of the evidentiary hearing held on January 29, 2016, consisting of pages 18 through 47.

c. The submissions of PPL Electric Utilities Corporation entitled:

Exhibit 1 Amended PPL Electric Utilities Corporation Energy Efficiency and Conservation Plan

Exhibit 2 Petition of PPL Electric Utilities Corporation for Approval of an

 Energy Efficiency and Conservation Plan Corrected Tables

PPL Electric St. 1 Direct testimony of Peter D. Cleff

PPL Electric St. 1-R Rebuttal Testimony of Peter D. Cleff

PPL Electric St. 2 Direct testimony of M. Hossein Haeri, Ph.D.

PPL Electric St. 2-R Rebuttal Testimony of M. Hossein Haeri, Ph.D.

PPL Electric St. 3 Direct testimony of Bethany Johnson

d. The submission of the Sustainable Energy Fund consisting of SEF Stmt. 1, the Direct Testimony of John Costlow.

e. The submissions of the Office of Consumer Advocate entitled OCA Statement 1, the Direct Testimony of Stacy L. Sherwood and OCA Statement No. 2, the direct testimony of Roger D. Colton.

f. The submissions of PP&L Industrial Customer Alliance consisting of Statement 1, direct testimony and exhibits of Michael K. Messer and the updated Appendix A.

g. The submissions of CAUSE-PA, consisting of CAUSE-PA Statement No. 1 – Revised, the direct testimony of Harry Geller.

h. The submission of the Commission on Economic Opportunity consisting of CEO Statement No. 1, the direct testimony of Eugene Brady.

i. The submission of Nest Labs consisting of the direct testimony and exhibits of Richard H. Counihan.

j. The submission of EnerNOC, consisting of EnerNOC Statement 1, the direct testimony of Peter Cavan.

k. The main briefs of PPL Electric and the PP&L Industrial Customer Alliance.

l. The Joint Petition for Approval of Partial Settlement.

 3. That, in accordance with the procedure established by this Commission in *Implementation Order,* Docket No. M-2014-2424864 (Opinion and Order entered June 19, 2015), the record in this case is certified to the Commission for disposition.

Dated: February 19, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Susan D. Colwell

 Administrative Law Judge

**M-2015-2515642 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR APPROVAL OF ITS ACT 129 PHASE III ENERGY EFFICIENCY & CONSERVATION PLAN.**

***Revised 1/6/16***

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