May 12, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor (Filing Room)
Harrisburg, Pennsylvania 17105

Re: Energy Efficiency and Conservation Program, Docket No. M-2020-3015228; Reply Comments of SEF

Dear Secretary Chiavetta:

Enclosed filing please find the Sustainable Energy Fund of Central Eastern Pennsylvania’s Reply Comments on the Tentative Implementation Order in the above-reference proceeding. Pursuant to the COVID-19 Suspension Emergency Order dated March 20, 2020 and ratified March 26, 2020, the Answer is filed and served electronically. Copies have been served per the attached Certificate of Service.

If you have any questions, please direct them to me. Thank you for your attention to this matter.

Respectfully Submitted,

Judith D. Cassel
Micah R. Bucy
Mariah R. Turner
Counsel for The Sustainable Energy Fund of Central Eastern Pennsylvania

Enclosure(s)
cc: Per Certificate of Service
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Energy and Efficiency Conservation Program: Docket No. M-2020-3015228

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REPLY COMMENTS OF THE SUSTAINABLE ENERGY FUND OF CENTRAL EASTERN PENNSYLVANIA ON THE TENTATIVE IMPLEMENTATION ORDER

The Sustainable Energy Fund of Central Eastern Pennsylvania (SEF), by and through its undersigned attorneys in this matter, Hawke McKeon & Sniscak, LLP, files the following Reply Comments in the above-captioned proceeding.

I. INTRODUCTION

In response to the initial comments of the Tentative Implementation Order, interested parties are afforded the opportunity to file Reply Comments. SEF submits the following Reply Comments.

II. COMMENTS

A. Delay of Implementation of Phase IV

As the novel coronavirus (“COVID-19”) began to spread across the Commonwealth, Governor Tom Wolf issued a statewide Proclamation of Disaster Emergency on March 6, 2020. To help lessen the pandemic’s impact, the Commission provided for, in its March 20, 2020 Emergency Order, delays and suspensions of statutory or regulatory requirements that do not exceed 90 days. Because of the unprecedented time and the unknown long-term impacts on the energy industry, if any, some stakeholders have called for a delay in the implementation of Phase
IV’s EE&C program.\textsuperscript{1} Other than the financial impacts suffered from ratepayers, consumers, EDCs, and the Pennsylvania Economy, these interested parties are concerned that, in light of the circumstances, the data collected and used by the Statewide Evaluator (SWE) create assumptions for Phase IV targets that are “no longer relevant or applicable”. The IECPA\textsuperscript{2}, OCA, and PPL are particularly concerned with the difficulty of determining savings programs that are achievable and that will not require some drastic changes because of some future mandated health and safety requirement(s). While SEF agrees that long-term impacts of COVID-19 are unknown and that there is a possibility of some future restrictions causing issues, the SEF still believes that continuing with the implementation of Phase IV’s EE&C program is necessary. SEF supports CAUSE-PA’s assertion that the EE&C programs can provide important job opportunities to consumers in desperate need of steady income, aid in boosting the Pennsylvania economy, and lessen financial burdens related to unnecessary energy usage.\textsuperscript{3} As it did in its initial Comments, the SEF encourages the Commission to keep incentivizing EDCs to implement consumption reduction programs and protect the primary intent of Act 129, continuous incremental consumption reduction. And although this health crisis has dramatically affected Pennsylvanian’s everyday life and will continue to affect lives for the foreseeable future, Governor Wolf has started to ease restrictions which will allow businesses to re-open, workers will return to work, and energy requirements and consumption will increase. As of May 8, 2020, Governor Wolf has announced that more than half of the state’s counties may begin a phased re-opening.

\textsuperscript{1} IECPA Comments at 2-3; OCA Comments at 1-2; Industrial Consumers Comments at 2; PPL Comments at 5-6.

\textsuperscript{2} IECPA filed a separate petition for relief to, among other things, suspend the implementation of Phase IV and extend Phase III for 270 days. SEF is separately filing an answer in opposition to IECPA’s petition.

\textsuperscript{3} CAUSE-PA Comments at 3-5.
A related issue involves EAP urging the Commission, for Phase IV, to address the impacts of COVID-19 and create a process for relief that provides EDCs the flexibility to amend targets or other requirements during unforeseen circumstances beyond the control of the utility. 4 SEF disagrees that such a process is needed, but if such a process is adopted, SEF urges the Commission to: (1) prohibit any such petitioner from seeking expedited review, and (2) require an evidentiary hearing before the full Commission.

B. Consumption Reduction Targets

In its Comments, SEF requested that the energy consumption targets should be increased by 12.5% for each EDC because historically, the actual acquisition costs during Phase II and thus far in Phase III have been significantly lower than projections. As SEF and PA-EEFA supplied in their initial Comments, the Phase IV targets are 26% less on average than the Phase III targets. 5 Because SEF believes the SWE’s assumption for average projected acquisitions are high, SEF agrees with CAUSE-PA that annual reduction targets should be at 15% of an EDC’s total savings targets. 6

In response to the Commission’s proposal to require EDCs to “achieve at least 15 percent” of their energy savings targets in each program year, PECO proposes that such a requirement be softened to permit an EDC to “approach” 15% annual reductions in each year of Phase IV. 7 SEF disagrees with PECO’s proposal that EDCs, who have been participating in the Act 129 Program for ten years and will likely rollover many of its Phase III programs into Phase IV, need to lower

4 EAP Comments at 2-7.
5 PA-EEFA Comments at 6-7.
6 CAUSE-PA Comments at 5-6.
7 PECO Comments at 3—4.
the annual goals. Moreover, PECO’s suggestion that EDCs “approach” a 15% annual reduction target is undefined, not objective, and has the potential to cause unnecessary litigation in the future. The Commission should loosen the EDC’s annual requirements.

C. Carryover Savings

In Commissioner Place’s Statement, he specifically requested comments on carryover of excess Phase III savings to Phase IV, because some EDCs would have achieved as much as 75% of the proposed Phase IV consumption reduction targets before any programs were implemented.\(^8\) The Industrial Customers submitted that there should be no limitation on the Phase III excess savings to carry over to Phase IV because these limitations deny ratepayers the opportunity to achieve the maximum value of efficiency savings the consumers previously paid-for.\(^9\) KEEA suggested that the Commission allow EDCs to carryover 50% of excess Phase III savings to Phase IV to prevent programs from going dark while motivating the EDCs to exceed their targets.\(^10\) The Environmental Stakeholders suggested that any excess savings from Phase III should be refunded to ratepayers instead of carrying over to Phase IV.

As it did in its initial Comments, SEF encourages the Commission to adopt a limit of 25% of excess Phase III savings to carry over to the first year of Phase IV. SEF supports permitting some carryover savings because a balance is needed to incentivize the EDCs to continue seeking energy savings in Phase III once its savings targets are achieved. However, the savings carryover needs to be limited so that EDCs are still compelled to seek new energy savings in Phase IV. SEF

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\(^9\) Industrial Consumers Comments at 23-24.

\(^10\) KEEA Comments at 12-13.
proposes that EDCs be permitted to carryover 25% of their excess Phase III savings into Phase IV and believes this strikes the necessary balance. SEF believes that KEEA’s 50% carryover savings is too high while the Industrial Consumers’ proposal to allow unlimited carryover savings runs counter to the spirit and intent of Act 129’s continuous consumption reduction mandate.

III. CONCLUSION

The SEF thanks the Commission for the opportunity to submit these Reply Comments as part of the effort to establish the Phase IV EE&C Program and looks forward to a successful partnership with the Commission, EDCs, and Stakeholders in that effort.

Respectfully submitted,

[Signature]

Judith D. Cassel, I.D. No. 209393
Micah R. Bucy, I.D. No. 320196
Mariah R. Turner, I.D. No. 327840
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
P: (717) 236-1300
F: (717) 236-4841
E: jdcassel@hmslegal.com
   mrbucy@hmslegal.com
   mrtturner@hmslegal.com

Counsel for The Sustainable Energy
Fund of Central Eastern Pennsylvania

Date: May 12, 2020
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Energy and Efficiency Conservation Program

Docket No. M-2020-3015228

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) and the Commission’s March 26, 2020 COVID-19 Suspension Emergency Order.

VIA ELECTRONIC MAIL

Darryl A. Lawrence, Esq.
Tanya J. McCloskey, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
Harrisburg, PA 17101
DLawrence@paoca.org
tmccloskey@paoca.org

John R. Evans, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor Forum Place
Harrisburg, PA 17101
jorevan@pa.gov

Anthony E. Gay, Esq.
Jack R. Garfinkle, Esq.
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101
Anthony.gay@exeloncorp.com
Jack.garfinkle@exeloncorp.com

Devon T. Ryan, Esq.
David B. MacGregor, Esq.
Kimberly A. Klock, Esq.
Michael J. Shafer, Esq.
PPL Electric Utilities Corporation
17 North Second Street, 12th Floor
Harrisburg, PA 17101
dryan@postschell.com
dmacgregor@postschell.com
kklock@pplweb.com
Julian Boggs  
Policy Director  
Keystone Energy Efficiency Alliance  
14 S 3rd Street  
Philadelphia, PA 19106  
jboggs@keealliance.org

Alli Gold Roberts  
Ceres  
99 Chauncy Street, 6th Floor  
Boston, MA 02111  
goldrobers@ceres.org

Devin McDougall  
Earthjustice  
1617 John F. Kennedy Blvd., Suite 1130  
Philadelphia, PA 19103  
dmcdougall@earthjustice.org

Mark Szybist  
Natural Resources Defense Council  
1152 15th Street NW, Suite 300  
Washington, DC 20005  
mszybist@nrdc.org

Logan Welde  
Clean Air Council  
135 S 19th St, Suite 300  
Philadelphia, PA 19103  
lwelde@cleanair.org

Rabbi Julie Greenberg  
POWER: An Interfaith Movement  
1429 N. 11th St.  
Philadelphia, PA 19121  
jgreenberg@powerphiladelphia.org

Brian Kauffman  
Greg Geller  
Enel North America, Inc.  
One Marina Park Drive  
Boston, MA 02210  
Brian.Kauffman@enel.com  
Greg.geller@enel.com

Terrance J. Fitzpatrick  
Donna M.J. Clark  
Energy Association of Pennsylvania  
800 N Third Street, Suite 205  
Harrisburg, PA 17102  
tfitzpatrick@energypa.org  
dclark@energypa.org

Tom Schuster  
Sierra Club, Pennsylvania Chapter  
P.O. Box 1621 Johnstown, PA 15907  
tom.schuster@sierraclub.org

Rob Altenburg  
Citizens for Pennsylvania’s Future  
610 N 3rd St  
Harrisburg PA 17101  
altenburg@pennfuture.org

Zakia Elliot  
Philadelphia Climate Works  
P.O. Box 606  
Harrisburg, PA 17108  
zakia.elliott@sierraclub.org

Mitch Chanin  
Steering Committee Member  
350 Philadelphia 124 Tomlinson Road  
Philadelphia, PA 19116  
350philadelphia@gmail.com

Kenneth Zenkevich  
1313 Macon Avenue  
Pittsburgh, PA 15218  
Ken.zenkevich@icloud.com
Andrew J. Melman
625 E Lancaster Ave, Apt B102
Wynnewood, PA 19096
ajmelman@comcast.net

Mary Sprayregen
Oracle Utilities
500 Oracle Parkway
Redwood Shores, CA 94065
Mary.sprayregen@oracle.com

David Althoff Jr.,
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105
dALTHOFF@pa.gov

Vincent O’Grady
Maxwell Lighting & Energy
One Belmont Avenue, Suite 420
Bala Cynwyd, PA 19004
vincent@maxwelllighting.com

VIA REGULAR MAIL

Gene Brady
Pennsylvania Weatherization Providers Task Force
P.O. Box 991
Wilkes-Barre, PA 18703

Ecobee
25 Dockside Drive, Suite 700
Toronto, ON M5A 0B5

Date: May 12, 2020

Counsel for The Sustainable Energy
Fund of Central Eastern Pennsylvania

Micah R. Bucy