

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval :
of its Act 129 Energy Efficiency and Conservation : M-2009-2093215
Plan and Expedited Approval of its Compact :
Fluorescent Lamp Program :

**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, PECO filed its Act 129 EE&C Plan with the Commission at Docket No. M-2009-2093215. 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

¹ 66 Pa. C.S. §§ 2806.1(b)(1)(I)(G).

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,

1. whether the proposed EE&C Plan ensures that the low income population, as defined in the Act, is correctly targeted;
2. whether low income customers obtain a share of the total energy savings that is proportionate to low income households' share of total energy usage;
3. whether the energy reduction measures employed comport with and satisfy Act 129 requirements;
4. whether the methods of coordination of services and providers comport with and satisfy Act 129 requirements;
5. whether PECO'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

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).

6. whether the “Portfolio Objectives and Metrics that Define Program Success,” a group of five metrics presented by the company within its Plan to determine if the Plan is successful, adequately addresses low income Act 129 requirements; and⁴
7. whether the Plan adequately addresses the provision of services to multi-family dwellings and non-profit agencies serving the low income.

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

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Respectfully submitted by:

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July 24, 2009

⁴ *PECO EE&C Plan* at 13.