COMMONWEALTH OF PENNSYLVANIA

OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWIN A. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

August 28, 2009

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE: Petition of PECO Energy Company for Approval of Its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program
Docket No. M-2009-2093215

Dear Secretary McNulty:

Enclosed for filing is the Main Brief of the Office of Consumer Advocate, in the above-referenced proceeding.

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

Respectfully Submitted,

Jennedy S Johnson

Jennedy S. Johnson
Assistant Consumer Advocate
PA Attorney I.D. # 203098

Enclosures
cc: Honorable Marlane R. Chestnut
Office of Special Assistants

00117165.docx

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for Approval of Its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program	:	Docket No. M-2009-2093215

MAIN BRIEF
OF THE
OFFICE OF CONSUMER ADVOCATE

Jennedy S. Johnson
Assistant Consumer Advocate
PA Attorney I.D. # 203098
E-Mail: jjohnson@paoca.org
Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org

Counsel for:
Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

Dated: August 28, 2009

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Administrative Decisions

Statutes

I. INTRODUCTION

On November 14, 2008, Act 129 of 2008 (Act 129) became effective. Act 129 contained a requirement for the Pennsylvania Public Utility Commission (Commission) to implement an Energy Efficiency and Conservation (EE&C) Program for EDCs with more than 100,000 customers. See 66 Pa.C.S. § 2806.1 *et seq*. Act 129 contained provisions amending the duties of Electric Distribution Companies' (EDCs) obligation to serve; providing for Smart Meter Technology and Time of Use Rates; providing additional market power remediation for market misconduct; providing additional alternative energy sources; and providing a Carbon Dioxide Sequestration Network. Id. The Act also makes a number of significant amendments to the Pennsylvania Public Utility Code, many of which will have a direct impact on the rates and service of the customers of Pennsylvania's EDCs.

Of particular relevance here, Act 129 requires Electric Distribution Companies with at least 100,000 customers to present an EE&C Plan (Plan) to the Pennsylvania Public Utility Commission (Commission) for approval. Id. The Plan must be designed to reduce energy demand and consumption within each EDC's service territory. 66 Pa.C.S. § 2806.1(a). Specifically, each EDC must reduce electric consumption by at least 1% of its expected load by May 31, 2011, adjusted for weather and extraordinary loads. 66 Pa.C.S. § 2806.1(c)(1). Each EDC must reduce its total energy consumption by 3% by May 31, 2013. 66 Pa.C.S. § 2806.1(c)(2). Further, each EDC must reduce peak electricity demand by a minimum of 4.5% of its annual system peak demand for the 100 hours of highest demand by May 31, 2013, as measured against the EDC's peak demand during the period from June 1, 2007 through May 31, 2008. See 66 Pa.C.S. § 2806.1(d)(1). The Act also provides for specific fines for an EDC's failure to achieve the standards for reduction contained in the Act.

Act 129 states that the Commission's EE&C program must include the following: (1) procedures for the approval of plans submitted by EDCs pursuant to Act 129; (2) an evaluation process "to monitor and verify data collection, quality assurance and results" of each EDC's EE&C plan; (3) a cost-benefit analysis of each EDC's plan in accordance with a total resource cost test approved by the Commission; (4) analysis of how the Commission's program and each EDC's EE&C plan will meet or exceed Act 129's consumption reduction requirements; (5) standards to ensure that each EDC's plan includes a variety of EE&C measures that are provided equitably to all customer classes; (6) procedures to make recommendations as to additional measures that will enable EDCs to improve their plans and exceed the Act's required reductions in consumption; (7) procedures to require EDCs to competitively bid all contracts with Conservation Service Providers (CSPs); (8) procedures to review, and modify if the Commission deems necessary, all proposed contracts with CSPs prior to execution; (9) procedures to ensure compliance with the Act's requirements for reduction in consumption; (10) a requirement for the participation of CSPs in the implementation of all or part of their respective EDC's plan; and (11) cost recovery to ensure that the measures approved are financed by the same customer class that will receive the direct energy and conservation benefits. See 66 Pa.C.S. § 2806.1(a).

In late 2008, the Commission invited comments from EDCs and other interested parties to develop the specific procedures required to implement Act 129. The OCA submitted comments on November 3, 2008 and again on December 8, 2008. The OCA also participated in a stakeholder meeting. After considering the comments it received from EDCs and other interested parties, the Commission adopted an EE&C Program Implementation Order establishing the specific standards that each EE&C Plan must meet and providing guidance on the procedures attendant to those Plans. See, Energy Efficiency and Conservation Program, Docket No. M-2008-2069887 (Order entered January 16, 2009) (Implementation Order).

In the Implementation Order, the Commission called for the publication of the Plans in the *Pennsylvania Bulletin* and allowed for the filing of Comments on the Plan. The Commission also directed that evidentiary and public input hearings be held for each EE&C plan so that recommendations for improving the plans could be submitted by the statutory advocates and the public. See Implementation Order at 8. Further, the Commission established a specific litigation schedule to meet Act 129's requirement that it rule on each EDC's EE&C plan within 120 days of submission, and provisions were established for the re-submission of rejected EE&C plans.[1] Id; See also 66 Pa.C.S. § 2806.1(e)(2). Also in its Implementation Order, the Commission encouraged each EDC to conduct a collaborative process during the development of the Plan to receive input from the various stakeholders. As discussed below, the OCA actively participated in the PECO stakeholder process. Also pursuant to this Order, each EDC was required to submit its Consumption forecast with the Commission by February 9, 2009; the Commission approved the forecasts submitted by the EDCs in its Order entered March 30, 2009. Energy Consumption and Peak Demand Reduction Targets, Docket No. M-2008-2069887 (Order entered March 30, 2009).

Consistent with its January 15, 2009 Implementation Order, on May 7, 2009, the Commission issued a Secretarial Letter that established an EE&C plan template to be used by the EDCs in the preparation and filing of their Plans with the Commission. In the interim, various

---

1 Based on the established consideration period of 120 days, the schedule was broken down as follows: (1) each EE&C plan is assigned to an Administrative Law Judge (ALJ), who will establish discovery, public input hearing schedule and evidentiary hearing schedules that must be completed by September 3, 2009; (2) all briefs are due by September 14, 2009; (3) each EDCs' reply brief and/or revised plan is due by September 24, 2009; and (4) the Commission will issue its decision regarding each EDC plan by October 29, 2009. See Implementation Order at 12. The Commission extended the opportunity to file reply briefs to all parties by an Order entered June 2, 2009 at Docket Number M-2008-2069887.

parties filed for Clarification and Reconsideration of the Order entered January 15, 2009, and the Commission adopted its Reconsideration Order on May 28, 2009. Energy Efficiency and Conservation Program, Docket No. M-2008-2069887 (Order entered June 2, 2009). On May 28, 2009, the Commission also adopted its Standards for the Participation of Demand Side Management Resources in an updated Technical Reference Manual (TRM). Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources – Technical Reference Manual Update, Docket No. M-00051865 (Order entered June 1, 2009). The TRM establishes the resource savings from standard energy efficiency measures that each EDC will use to calculate that amount saved by each program in its Plan. Id. at Annex pg. 1.

The Commission also invited comments from EDCs and interested parties in developing a Total Resource Cost (TRC) test. Act 129 specifically requires each EDC to demonstrate, *inter alia*, that its plan is both cost effective using the TRC test and provides a diverse cross section of alternatives for customers of all rate classes. See 66 Pa.C.S. § 2806.1(b)(1)(i)(I).[2] After receiving Comments from interested parties including the OCA, the Commission adopted a TRC test on June 18, 2009. Implementation of Act 129 of 2008 – Total Resource Cost (TRC) Test, Docket No. M-2009-2108601 (Order entered June 23, 2009).

As discussed in the testimony of Company witness Wikler, PECO Energy Company (PECO or Company) held seven meetings with interested stakeholders on December 17, 2008, January 22, 2009, February 18, 2009, March 19, 2009, April 22, 2009, May 20, 2009,

---

2 A TRC Test is defined as follows:

> [A] standard test that is met if, over the effective life of each plan not to exceed 15 years, the net present value of the avoided monetary cost of supplying electricity is greater than the net present value of the monetary cost of energy efficiency conservation measures.

66 Pa.C.S. § 2806.1(m).

and June 11, 2009—all of which the OCA attended. PECO St. 2 at 7-8. The OCA wishes to commend PECO on its stakeholder process and on its initiative in beginning this process in December of 2008. The OCA found the PECO stakeholder process to be well attended by a diverse group of stakeholders and collaborative in nature. As Company witness Jiruska notes in his testimony, representatives of many stakeholders—including customer representatives, environmental advocates, state and local governments, regional planning groups, governmental organizations, trade allies, community based organizations, other utilities, market partners and businesses—were in attendance and actively participated in the stakeholder process. PECO St. 1 at 12. In the OCA's view, the stakeholder process conducted by PECO was robust, encouraged a two-way dialogue and allowed for a better informed process for both stakeholders and the Company. PECO's staff, in particular, showed a dedication to achieving a Plan that reflected its collaboration with the stakeholders.

II. PROCEDURAL HISTORY

On July 1, 2009, PECO Energy Company filed its Petition for Approval of its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program. On July 7, 2009, the Office of Consumer Advocate (OCA) filed its Notice of Intervention and Public Statement. On July 8, 2009, the Office of Trial Staff (OTS) filed a Notice of Appearance. On July 21, 2009, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Notice of Appearance. Petitions to Intervene were filed on July 13, 2009 by UGI Distribution Corporation (UGI); on July 16, 2009 by the Department of Environmental Protection (DEP); on July 20, 2009 by the Philadelphia Area Industrial Energy Users Group (PAIEUG); on July 22, 2009 by the Reinvestment Fund; on July 23, 2009 by Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater

Philadelphia (TURN, et al) and Citizens for Pennsylvania's Future et al (PennFuture); on July 24, 2009 by Pennsylvania Association of Community Organizations for Reform Now (ACORN) and City of Philadelphia (City); on July 27, 2009, by Field Diagnostic Services, Inc. (FDR) and Direct Energy Business, LLC (Direct Energy); on July 30, 2009, by State Representative Mark B. Cohen; and on August 3, 2009, by Constellation New Energy (Constellation) and EnerNOC, Inc. (EnerNOC).

The matter was assigned to the Office of Administrative Law Judge and was further assigned to Administrative Law Judge Marlane R. Chestnut. A prehearing conference was held on July 27, 2009, at which time a procedural schedule was established. On August 4, 2009, ALJ Chestnut certified the portion of the record addressing the deployment of the CFL Program, including a Joint Petition for Partial Settlement agreed to or not opposed by the Parties, to the Commission. On August 18, 2009, the Commission issued an order approving the Joint Petition for Partial Settlement.

The OCA retained Richard Hahn[3] who, pursuant to the schedule adopted by the ALJ, submitted written Direct Testimony on August 7, 2009. On this date, the OCA also filed Comments with Secretary McNulty. Pursuant to ALJ Chestnut's Prehearing Conference Order, Evidentiary Hearings were held on August 18, 2009 at which time the OCA, by stipulation, entered the testimony of Mr. Hahn into the record as OCA Statement No. 1 (including Exhibits OCA-RSH-1 and OCA-RSH-2). During the course of the hearings, the OCA also moved into

---

3 Mr. Hahn is a Principal Consultant for La Capra Associates who has worked in the electric utility business for over thirty years. Mr. Hahn has testified as an expert witness on numerous occasions in several states. Mr. Hahn has held technical and managerial positions in both regulated and unregulated companies covering all aspects of utility planning, operations, regulatory activities and finance. He is currently an elected Commissioner for the Reading Municipal Light Department (RMLD) in Massachusetts and is Chairman of its Rate and Power Subcommittee. The RMLD is one of the largest municipal systems in New England and maintains its own to staff to actively manage its power supply portfolio. Mr. Hahn has a BSEE and an MSEE from Northeastern University and an MBA from Boston College.

the record OCA Cross Examination Exhibit Nos. 1 and 2. The OCA submits this Main Brief in accordance with the schedule established by ALJ Chestnut.

The OCA generally supports the Company's Plan and commends PECO on the extensive collaborative process that it employed in arriving at its Plan. There are, however, aspects of the Plan which the OCA submits should be further examined and parts of the plan which need further clarification or explanation. The OCA's position is detailed below.

III. DESCRIPTION OF PECO'S PLAN

On July 1, 2009, in compliance with the requirements of Act 129, PECO filed its Petition and Energy Efficiency and Conservation Plan (Plan) with the Pennsylvania Public Utility Commission. Petition at 1. PECO's Plan resulted from an extensive stakeholder process that was both well attended by a diverse group of stakeholders and collaborative in nature. The OCA wishes to commend PECO on its stakeholder process and on its initiative in beginning this process in December of 2008. PECO has requested that the Commission approve its Plan, including cost recovery via a charge rolled into distribution rates. Id. PECO also requested expedited approval of its proposed Compact Fluorescent Lamp (CFL) program which was granted in an Order entered August 18, 2009. The Company plans to reduce annual energy consumption by nearly 1.3 million MWh by May 31, 2013 by implementing eighteen programs—ten oriented towards energy efficiency savings and eight directed toward demand reduction. Petition at 2, 6; PECO St. 1 at 17-30. Specifically, the Company has proposed the following eight programs for its residential class: (1) CFL Program, (2) Low-Income Energy Efficiency Program, (3) Whole Home Performance Program, (4) Home Energy Incentives Program, (5) Residential New Construction Program, (6) Appliance Pickup Program, (7) Residential Direct Load Control Program, and (8) Residential Super Peak Time of Use Program. Petition at 7-8; PECO St. 1 at 17-30.

PECO's portfolio of programs is designed to provide customer benefits while also meeting the energy savings and peak load reduction goals set forth in the Act within the designated expenditure cap of two percent (2%) of 2006 annual revenues (approximately $85.5 million) for each of year of the four year plan. The Plan has budgeted expenditures totaling $341,580,634 which are broken down by class as follows: Residential- $153 million; Small Commercial and Industrial (SC&I)- $80 million; Large Commercial and Industrial (LC&I)- $101 million; and Municipal Lighting- $8 million. See PECO St. 1 at 10. Specifically, PECO's Plan includes measures and programs to achieve the Company's calculated electricity consumption and peak load reduction targets of: a) 1% energy savings, or 393,850 MWh, by 2011; b) 3% energy savings, or 1,181,550 MWh, by 2013; and c) peak load reduction of 4.5%, or 355 MW, by 2013. PECO St. 2 at 18-19 (Tables 1 and 2).

PECO will recover its costs through an Energy Efficiency and Conservation Program Charge (EEPC) that will be imposed under Section 1307 and will be both reconcilable and non-bypassable. PECO St. 3 at 9. The EEPC will not be a separate line item on the customer's bill, but will, instead, be included in distribution rates. Id. A separate recovery charge will be established for each customer class, corresponding to the costs of the programs that target that class. Petition at 17; PECO St. 3 at 9-15. Initially, the EEPC rates for each class are projected to be as follows:

Class	Projected Rate*	Revenue Increase
Residential	$.0035/kWh	2.50%
Commercial	$.0028/kWh	2.33%
Industrial	$.8921/KW	2.22%
Streetlight	$.0156/kWh	8.50%

*Rate Information taken from PECO St. No. 3, Exh. RAS-3

See OCA Cross Exam Exh. 1 at 2. Recovery charges will be levelized during the cost recovery period (41 months) with a true-up of actual Plan costs at the end of the recovery period. Petition at 18; PECO St. 3 at 9-15. The Company is requesting a waiver of Section 1307(e)(3) as it will not charge interest on any over or under collections. Petition at 18; PECO St. 3 at 9-15. Specific aspects of the Company's plan and cost recovery mechanism will be addressed in Section V.B. below.

IV. SUMMARY OF ARGUMENT

The OCA generally supports the Company's Plan and commends PECO on the extensive collaborative process that it employed in arriving at its Plan. The OCA and its expert, Richard Hahn, have reviewed the filing and submit that many aspects of the Plan equal or exceed the requirements of Act 129. There are, however, aspects of the Plan which the OCA submits should be further examined—specifically the Conservation Voltage Reduction Program and the fuel switching incentives in the Residential Home Energy Incentives Program. Additionally, the Company should be required to provide further information to verify that its Plan will meet the low income set-aside in the Act. The following is a summary of the OCA's conclusions and recommendations:

Overall Plan Assessment and Compliance with the Requirements of the Act:

- The EE&C Plan is reasonably designed to meet or exceed the requirements for energy efficiency and demand reduction set forth in Act 129 in the time period specified for compliance and within the budget limitations specified in the Act.
- The Plan is designed to meet or exceed the requirements in Section 2806.1(b)(1)(i)(B) for savings within the government/non-profit sector.

- Further information is needed to conclude that the EE&C Plan meets the requirements in Section 2806.1(b)(1)(i)(G) for providing programs and savings for low income customers.

- The Plan is designed to provide a variety of programs to all customer classes and provides the measures equitably to all customer classes as specified in Section 2806.1(a)(1)(5).

- The EE&C Plan as a whole has a benefit/cost ratio of 1.76 based on the Total Resource Cost Test as set forth by the Commission making the Plan a cost-effective means of achieving the requirements of the Act.

- The Plan proposed by PECO should be generally approved as a sound starting point for meeting the requirements of Act 129, subject to certain modifications detailed below.

Program Design:

- The programs in the EE&C Plan, and the initial program design, are generally reasonable, but two programs, the Conservation Voltage Reduction Program and the fuel switching component of the Residential Home Energy Incentives Program should be subject to further review in the on-going stakeholder process.

- With respect to the Conservation Voltage Reduction Program, PECO should be directed to perform specific evaluations of the operational aspects of the program and provide that information to stakeholders and the Commission. If that evaluation reflects problems with that program, the dollars associated with this program should be shifted to other programs that are performing well and in need of expansion.

- The fuel switching incentives in the Residential Home Energy Incentives Program should be further evaluated during the implementation phase to properly identify those situations where incentives for fuel switching would be in both the public and consumer's interest.

On-Going Stakeholder Process and Plan Adjustment Process:

- The Company's commitment for an on-going stakeholder process with at least quarterly meetings should be formalized as part of the Commission Order and should provide for certain specific information to be provided to stakeholders through the process.

- The proposal for mid-course corrections should be clarified to allow for consideration by the Company and the stakeholders of the need for cost recovery adjustments even if the overall impact is less than $20 million for the Plan period.

Cost Recovery

- The Company's proposal to recover the costs of the EE&C Plan on a levelized basis over 41 months, without interest, should be approved.

- The Company's proposal to bid any qualifying energy efficiency and demand response measures into the PJM RPM auctions and credit customers with any benefits received through the cost recovery mechanism should be approved.

These issues will be further discussed below.

V. ARGUMENT

A. Act 129 Conservation and Demand Reduction Requirements

Under Act 129, PECO's Plan must be designed to reduce energy demand and consumption within each EDC's service territory. 66 Pa.C.S. § 2806.1(a). OCA Witness Hahn testified that if the Plan filed by the Company is implemented, as proposed, the specific targets should be met or exceeded within the spending limits. OCA St. 1 at 6-7. The specific requirements of Act 129 are discussed below.

1. Overall Conservation Requirements

Under the requirements of Act 129, PECO is expected to achieve energy savings of 1,181,550 MWh and peak demand reductions of 355 MW by May 31, 2013. See Petition at 13; See also Energy Consumption and Peak Demand Reduction Targets, Docket No. M-2008-2069887 (Order entered March 30, 2009).

a. *2011 Requirements*

Under Act 129, PECO must reduce electric consumption by at least 1% of its expected load by May 31, 2011, adjusted for weather and extraordinary loads. See 66 Pa.C.S. § 2806.1(c)(1). For PECO, 1% of the baseline usage forecast for the period from June 1, 2009 to May 31, 2010 is 393,850 MWh. PECO expects to achieve savings of 589,042 MWh in its 2010

Program Year—an amount 50% higher than its Act 129 goal. Petition, Volume III, Appendix D-2 (Table 2).

b. *2013 Requirements*

PECO must also reduce its total energy consumption by 3% by May 31, 2013. See 66 Pa.C.S. § 2806.1(c)(2). This 3% of the baseline usage forecast for the period from June 1, 2009 to May 31, 2010 equals 1,181,550 MWh. By the end of Plan Year 2012, PECO expects to provide 1,295,565 MWh of energy savings which equals 110% of the Act 129 requirement. See Petition at 13; see also Petition, Volume III, Appendix D-2 (Table 2).

2. Overall Peak Demand Reduction Requirements

Under Act 129, PECO must reduce electricity demand by a minimum of 4.5% of its annual system peak demand for the 100 hours of highest demand by May 31, 2013, as measured against the EDC's peak demand during the period from June 1, 2007 through May 31, 2008. See 66 Pa.C.S. § 2806.1(d)(1). PECO's Act 129 demand reduction goal is 355 MW. Energy Consumption and Peak Demand Reduction Targets, Docket No. M-2008-2069887 (Order entered March 30, 2009). By the end of Plan Year 2012, PECO expects to provide 505.4 MW in peak demand reductions which equals 142% of the Act 129 requirements. See Petition at 13.

3. Requirements for a Variety of Programs Equitably Distributed

The Act also requires that the EE&C Plan include a variety of measures and that those measures be provided equitably to all customer classes. 66 Pa.C.S. § 2806.1(a)(5). The Company's Plan contains eighteen (18) different programs distributed across all of its customer classes. The Company has provided at least one energy efficiency and one demand response program for each class in accordance with the Commission's Implementation Order and, in fact, offers multiple programs for each customer class. See Petition, Vol. III, Appendix D-6 (Table 6).

While determining reasonableness or equity can be subjective, the OCA reviewed the required Budget and Parity Analysis Summary found in Table 5 of PECO's EE&C Plan, the information shown in the charts below, and other information presented by OCA witness Hahn when evaluating whether the portfolio proposed by the Company achieved a reasonable and equitable balance in its portfolio. See Petition, Vol. III, Appendix D-5 (Table 5). The OCA also considered the specific requirements of the Act for low income customers, government/non-profit sector and the need for the Plan to be cost-effective under the Total Resource Cost Test. Some of the information considered by the OCA and its experts included:

CHART 1

Class	Current Revenues	Percent of Current Revs.	Projected Spending (Over Total Plan)	Spending Percent of the Total Budget
Residential	$1,918,194,391	43.44%	$152,746,453	44.71%
Commercial	$1,055,492,966	23.90%	$79,729,421	23.34%
Industrial	$1,411,765,065	31.97%	$100,813,330	29.51%
Streetlight	$30,325,951	0.687%	$8,291,430	2.43%

Current and Base Period Revenues taken from PECO's 2008 and 2006 Annual Report, Projected Spending Taken from Exh. RAS-2.

CHART 2

Customer Class	Base Period Forecast (Total)- in GWh	Percent of Sales	Percent of Savings (MWh) from Plan
Residential	10,847	27.5%	44.96%
C & I	8,711	22.1%	55.04%

Forecast filing taken from June 1, 2009 to May 31, 2010 Consumption forecast filed Feb. 9, 2009[4] MWh savings from Vol.III, Appendix D-2. Costs from Vol.III, Appendix D-3.

4 See also OCA Cross Exam Exh. 2. The Company has given the OCA permission to treat this aspect of its filing as non-proprietary.

CHART 3

Class	Current Revenues (2008)	Est. Sales (kWh)- Over Entire Plan	Projected Rate ($/kWh)	Rate Increase [(Rate x Est. Sales) / 41] x 12	Revenue Increase for 41 month Recovery (Rate Inc. / Current Rev)
Residential	$1,918,194,391	46,815,796,201	$.0035	$47,957,645	2.50%
Commercial	$1,055,492,966	29,988,677,833	$.0028	$23,990,942	2.27%
Industrial	$1,411,765,065	120,087,456	$.8921	$30,608,777	2.17%
Streetlight	$30,325,951	564,775,000	$.0156	$2,517,283	8.30%

Information from Exhibit RAS-3 and PECO 2008 Annual Report.

See OCA Cross Exam Exh. No. 1 at 2, 4 and No. 2 at 1. When these charts and other information are reviewed—considering the other requirements of the Act for particular customer segments, budgetary constraints and the need for the Plan to pass the TRC—it is the opinion of the OCA that PECO has achieved a portfolio that is balanced and cost-effective. See OCA St. 1 at 10.

4. 10% Government/Non-Profit Requirement

Section 2806.1(b)(1)(i)(B) establishes a specific requirement for achieving reductions from the government/non-profit/school sector. The section provides:

> (B) A minimum of 10% of the required reductions in consumption under subsections (c) and (d) shall be obtained from units of Federal, State and local government, including municipalities, school districts, institutions of higher education and nonprofit entities.

66 Pa.C.S. § 2806.1(b)(1)(i)(B). PECO estimates that approximately 11,000 such facilities and tens of thousands of street lights and traffic signals fall under this Section of the Act. Petition, Volume II, p. 125. Under this section, the Company is required to produce total energy savings of 118,200 MWh and average peak demand reductions of 35.5MW. PECO St. 1 at 25; Petition, Vol. III, Appendix B. This portion of the Company's Plan is expected to produce cumulative energy savings of 216,792 MWh and an average peak demand reduction of up to 42.9 MW by the end of Plan Year 2012. PECO St. 1 at 25. These energy savings are 83% greater than

required under Act 129. Id. From the OCA's review of the filing, it is the OCA's view that the Company's Plan meets the specific requirements of Section 2806.1(b)(1)(i)(B).

5. Low Income Program Requirements

Section 2806.1(b)(1)(i)(G) establishes a requirement for specific energy efficiency measures for low income households. Section 2806.1(b)(1)(i)(G) reads, in pertinent part:

> (G) 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.

66 Pa.C.S § 2806.1(b)(1)(i)(G). The OCA submits that the General Assembly sought to establish a set aside for low income customers through this language to ensure that low income customers received the benefits that energy efficiency can bring to a customer. This becomes even more pressing in light of the Commission's conclusion in its Implementation Order that all customers should be required to pay the costs associated with Act 129, including low income customers. Implementation Order at 37.

The language of the Act uses the terms "measures" within the Section but also refers to "in proportion to usage." The OCA submits that the most effective way to implement this Section is to require each EDC to ensure that a specific percentage of the overall savings to be achieved from the Plan is realized through programs and measures directed to the low income customer segment. This approach would parallel the set aside approach for the government/non-profit sector. See 66 Pa.C.S § 2806.1(b)(1)(i)(B).

PECO states that its Plan is designed to achieve energy savings from its low income programs of 79,660 MWh by Plan Year (PY) 2012. PECO St. 1 at 21. This represents approximately 6.7% of the total required energy savings of 1,181,550 MWh. As reported by

PECO, the low income usage is 1,720,976,306 kWh of the total system energy usage of 39,850,000,000 kWh, or 4.4% of that total.[5] OCA Cross Exam Exh. 1 at 1. It is the OCA's understanding that PECO based its estimate of the total low income usage from actual 2008 billing data for PECO customers who provided their annual incomes to the Company. Id. PECO acknowledged on cross examination, however, that its billing system does not contain complete information of the income levels of all its residential customers. Tr. at 150. Therefore, the OCA submits that the Company should be required to provide further information to verify that its Plan will meet the low income set-aside in the Act.

6. Issues Relating to Individual Conservation and Demand Reduction Programs

a. *Residential*

The OCA generally supports the Company's Plan and commends PECO on the extensive collaborative process that it employed in arriving at its Plan. There are, however, aspects of the Plan which the OCA submits should be the subject of further consideration as the Plans are implemented—specifically the Conservation Voltage Reduction Program and the fuel switching incentives in the Residential Home Energy Incentives Program.

i. *Conservation Voltage Reduction*

The Conservation Voltage Reduction program utilizes voltage regulation techniques on distribution feeders to lower voltage by 1% while maintaining the voltage above the minimum regulatory requirement. OCA St. 1 at 16. The Company states that this program will reduce peak loads by 11.3 MW and 110,000 MWh annually, beginning in 2010. Id. at 17.

---

5 The Company also performed a second calculation of its low-income household share of total energy usage by sampling its billing data and extrapolating the results across its entire customer file. Tr. at 150-1. Witness Jiruska testified that he believes this second calculation also resulted in a percentage higher than 4.4%. Tr. at 151.

The OCA is concerned, however, that this program may raise operational concerns. These concerns were explained by OCA witness Hahn in his testimony:

> Under normal conditions, a 1% voltage reduction will not have any adverse impacts on customers, as EDCs usually maintain voltage within a reasonably wide range. However, PJM uses voltage reductions as one of its emergency operating procedures. It is my understanding that PECO deploys a 5% voltage reduction when requested by PJM. This 5% reduction is temporary, and PJM typically utilizes this operating procedure only during abnormal system conditions, such as a shortage of operating reserve or insufficient generation. If the Company institutes a permanent 1% reduction and then implements the PJM 5% temporary voltage reduction, it is possible that customers could see voltages below the minimum level contained in the Company's terms and conditions in its tariffs.

Id. at 18. Therefore, it is possible that if PJM calls for a voltage reduction under its emergency operating procedures and the conservation reductions are in place, voltages may temporarily fall below regulatory requirements. Id. at 19. Additionally, voltage reduction actually makes some of the equipment, particularly the dynamic loads, less efficient. Id. As Mr. Hahn explained:

> There are two generic types of electric loads. Passive, or purely resistive loads, have constant impedance. As voltage is reduced to serve these loads, current is also reduced and the amount of electric energy consumed is reduced. Examples of such loads are incandescent lighting and electric water heating. By consuming less electric energy, the output of the load device, such as lumens of light or gallons of hot water, is also reduced. The second type of load is dynamic, or constant power loads. Some large electric motors are examples of this type of loads. As voltage is decreased, current actually increases in order to maintain constant output. But the higher losses associated with the higher current may actually increase the load on the distribution system. The net effect of the voltage reduction on passive and dynamic loads is a small decrease to load on the distribution system, but such savings are typically maintained over a relatively short period of time (i.e., several hours per day). The benefit from voltage reduction generally wanes the longer it is implemented.

Id. at 17. It is for these reasons, that the OCA submits that PECO should perform specific evaluations of the operational aspects of this program and provide that information to stakeholders and the Commission. If that evaluation does, in fact, reflect problems with the

Voltage Reduction Program, the dollars associated with this program should be shifted to other programs that are performing well and are in need of expansion.

ii. *Residential Home Energy Incentives*

Another aspect of the Company's filing that concerns the OCA is the fuel switching incentives in the Residential Home Energy Incentives Program. While fuel switching is expected to contribute approximately 63,000 MWh of energy consumption reductions by 2012, those reductions result from removing electric equipment from the home, not from improving the efficiency of the electric equipment or the ability to conserve usage from existing electric equipment. OCA St. 1 at 20. These types of programs raise numerous public policy concerns, including concerns of cross-subsidization. Mr. Hahn explained these concerns in this testimony:

> ...[F]or a customer to be incentivized by one utility to switch to a different fuel source supplied by another utility raises many policy issues and questions as to what is in the customer's best interest that may require further discussion. What is a conservation program for an electric utility becomes a load building program for a gas utility. In the proper application of the TRC test, one would have to include the marginal costs of the incremental gas usage in addition to the benefits of costs avoided by reduced electricity usage. It does not appear from PECO's workpapers that such additional costs have been included. To effectively account for these costs, PECO would need to estimate the marginal costs of new gas supplies. Even if these costs were estimated, it is difficult to determine which fuel source is actually more efficient at all times. Resolving this issue would likely result in considerable debate. I suspect this issue will change over time as gas prices and electric prices fluctuate. At any point in time, the answer as to which "fuel is more efficient" may change. Furthermore, cross subsidization issues are likely to emerge. All of PECO residential customers will pay for the fuel switching program, but only those who also purchase natural gas service can benefit. This creates inequities in the opportunity of each customer to fairly benefit from energy efficiency.

OCA St. 1 at 20-21. For these reasons, the OCA submits that, this program should be further evaluated during the implementation phase to properly identify those situations where incentives for fuel switching would be in both the public and the individual consumer's interest.

b. *Commercial*

The OCA has not addressed any issues related to the Commercial sector.

c. *Industrial*

The OCA has not addressed any issues related to the Industrial sector.

7. Proposals for Improvement of PECO's Plan

a. *Residential*

As was detailed in Section V.A.6.a above, the OCA has concerns with the Company's Conservation Voltage Reduction Program and the fuel switching incentives in the Residential Home Energy Incentives Program. Therefore, the OCA recommends further evaluation and monitoring of these programs through the stakeholder process, especially relative to other more conventional energy efficiency measures. See OCA St. 1, Exh. OCA-RSH-2.

b. *Commercial*

Not Applicable.

c. *Industrial*

Not Applicable.

B. Cost Issues

PECO plans to recover its costs through an Energy Efficiency and Conservation Program Charge (EEPC) that will be imposed under Section 1307 and will be both reconcilable and non-bypassable. PECO St. 3 at 9. The EEPC will not be a separate line item on the customer's bill, but will, instead, be included in distribution rates. Id. A separate recovery charge will be established for each customer class, corresponding to the costs of the programs that target that class. Petition at 17. Recovery charges will be levelized during the cost recovery period (41 months) with a true-up of actual Plan costs at the end of the recovery period. Petition at 18. The Company is requesting a waiver of Section 1307(e)(3) as it will not charge interest on any over or under collections. Id. at 18.

In order to ensure that EE&C measures are paid for by the customer class that actually receives the energy and conservation benefits of those measures, PECO proposes to directly assign the costs relating to each measure to those classes that will receive the benefits. PECO St. 3 at 11-15. For costs related to EE&C measures that are applicable to more than one customer class, the Company plans to use an allocation factor equal to the percentage of the EE&C costs directly assigned to each customer class and apply such factor to the total EE&C costs directly assigned to all customer classes. Id.

The Company also proposes to separately calculate the applicable EE&C costs for each of the three major customer classes on its distribution system: (1) residential, (2) small commercial and industrial, and (3) large commercial and industrial. Id. These costs will vary in each program year of the Plan. Id. In other words, in some program years, the expenditures may be greater than the annual 2% cost cap, while in other program years, the expenditures may be less than the cap. Over the four program years, the total costs of the Plan for all customer classes will not exceed $341.9 million. Petition at 13 (Table 1). The Company will perform a true-up of actual Plan costs at the end of the recovery period. Id. at 18. The OCA agrees with this treatment. As OCA witness Hahn explained:

> It is expected that Plan expenditures will vary, perhaps significantly, by year. To provide more stability for customer rates, the Company is proposing to recover the same amount each month from customers. I would recommend adoption of this approach, particularly for residential customers. This will allow the Company to expend what it needs to based on market conditions and program success (within the total spending cap) to maximize Plan implementation without undue volatility in customer rates.

OCA St. 1 at 13. Accordingly, the OCA supports the Company's cost recovery plan and recommends that the Commission approve it as filed.

1. <u>Plan Cost Issues</u>

The OCA has no Plan Cost issues it wishes to address at this time.

2. <u>Cost Effectiveness/Cost-Benefit Issues</u>

The Company's Plan is designed to meet the requirements of the Act and does so in a cost-effective and balanced manner. Further, as noted by Mr. Hahn, the programs and measures being proposed by the Company originated from a study of the technical potential for DSM performed by PECO, and the Company has applied the TRC test as prescribed by the Commission. OCA St. 1 at 6. Additionally, while some of the proposed programs standing alone have benefit/ cost ratios below 1.0, the plan as a whole passes the TRC test with a ratio of 1.76. <u>See</u> Petition, Vol. 3, Appendix D-2.

3. <u>Cost Allocation Issues</u>

The OCA has no Cost Allocation issues it wishes to address at this time.

4. <u>Cost Recovery Issues</u>

a. *The OCA Supports Levelized Cost Recovery Without Interest on Over- or Under-Collections*

The OCA anticipates that Plan expenditures will vary, perhaps significantly, on a year by year basis. For example, the Company projects that its actual expenditures for the first year of the plan will be $26 million as compared to the annual average of $85.5 million over the term of the Plan. PECO St. 3 at 11. In Program Years 2010, 2011, and 2012, program expenditures are projected to be $81 million, $107 million, and $129 million, respectively. Petition, Vol. III, Appendix D-3 (Table 3). To provide more stability for customer rates, the Company is proposing to recover the same levelized amount each year from customers. This will allow the Company the flexibility to spend each year based on program ramp up needs, program success, and market conditions (within the total spending cap) to maximize Plan implementation without undue volatility in customer rates. The OCA supports this approach to cost recovery, particularly for residential customers, to avoid any undue volatility in rates. See also OCA St. 1 at 13.

The OCA also supports the Company's proposal that no interest be charged on any under- or over-collection that may occur as a result of this levelization. PECO St. 3 at 10-11. The spending constraint contained in the Act does not contemplate any interest charges. In other words, in the OCA's view, PECO's has \$341.9 million to spend, not \$341.9 million plus interest. See also OCA St. 1 at 13.

b. *The Company Proposal to Bid Qualifying Energy Efficiency and Demand Response Resources Into the PJM RPM Auction and Credit Customers for the Value Received in the Cost Recovery Mechanism Should Be Approved*

As of May 8, 2009, PJM has modified its Reliability Pricing Model (RPM) auction process to allow for the inclusion of energy efficiency and demand response resources. Qualifying energy efficiency and demand response resources can now be bid into the PJM auctions as a capacity resource and, if cleared, receive capacity payments. PECO has noted that several of its programs will qualify to be bid into the PJM Interconnection as demand response resources and will be credited to the appropriate customer classes to offset the cost impact to these customers. PECO St. No. 1 at 15; see also OCA Cross Exam Exh. 1 at. 3. Capacity payments can provide a significant value that should then be credited to customers through the cost recovery mechanism to offset the costs that they must bear under the Act. The OCA supports this treatment and commends PECO for including this program which can return savings benefits to its customers.

C. CSP Issues

The OCA has no CSP issues it wishes to address at this time.

D. Implementation and Evaluation Issues

1. Implementation Issues

The OCA has no implementation issues it wishes to address at this time.

2. QA Issues

The OCA has no QA issues it wishes to address at this time.

3. Monitoring and Reporting Issues

a. *Stakeholder Meetings and Involvement*

In its filing, PECO commits to, at least, quarterly meetings with stakeholders during Plan implementation. Petition, Vol. II, pg. 193. The OCA commends PECO for its commitment to an ongoing stakeholder process and intends to participate in the on-going stakeholder process as its time and resources permit. The OCA found the initial stakeholder process to be useful in developing a more fully informed Plan and in resolving the numerous issues presented by the requirements of the Act in a beneficial manner. Mr. Hahn discussed the value of the stakeholder process and the need for its continuation in his testimony:

> I believe that there is considerable merit in continuing the stakeholder process for PECO's EE&C plan and I commend PECO for its commitment to this on-going process. As the Company correctly recognizes, the Company has filed a four-year plan and it is extremely unlikely that this plan will be implemented exactly as projected by the Company. Adjustments and changes are very likely to be required over time, as some programs will exceed their individual targets and others will lag behind. The stakeholder process represents a suitable forum for discussing, and reaching consensus on, these inevitable changes. I recommend that PECO's commitment to continue its EE&C stakeholder process be specifically included in any Plan approval.

OCA St. 1 at 15. The OCA submits that the Commission should include some additional detail regarding the stakeholder process in PECO's Plan and its Order to ensure that the process continues to provide a reasonable means of addressing Plan implementation and any needed Plan modifications.

The OCA submits that, in addition to its commitment to convene regular stakeholder meetings, the Company should provide the stakeholders with necessary information regarding Plan implementation including reports on the progress of selecting Conservation Service Providers (CSPs), the expected costs, the progress toward implementation by the CSPs, penetration rates and savings levels achieved to date, and cost recovery to date. The OCA would also expect that the Company would work with the stakeholder group to review implementation issues, program issues that arise, educational or promotional materials that are being developed, and the like, so that the stakeholders can provide their input. Other information and exchanges would also be included within the process, such as information regarding the American Recovery and Reinvestment Act funding or any new legislation that impacts the EE&C Plan. The OCA recommends that, as with the initial stakeholder process, the process remains an open exchange of ideas and information.

The OCA again commends PECO in its stakeholder efforts and in its willingness to continue this process. Given the significance of the effort needed to implement the EE&C Plan in a cost-effective manner for all customers, the OCA urges that the commitment to the process be formalized so that all stakeholders can count on continuing to make contributions to the EE&C Plans.

4. <u>Evaluation Issues</u>

a. *Mid-Course Changes to the Plan*

PECO correctly recognizes that it is very unlikely that its Plan will be implemented exactly as projected by the Company and that adjustments and changes are likely to be required over time. The stakeholder process is a suitable forum for discussing and reaching consensus on these inevitable changes. To this end, the Company has proposed a mechanism to make mid-course corrections to its Plan. See Petition at 18-19; PECO St. 3 at 15-17.

For Intra-Class changes (e.g. programs applying to only one class) or for Inter-Class changes of less than $20 million, in total, over the course of the plan, PECO proposes that it be permitted to redirect expenditures from underperforming programs to better performing programs, as it determines is appropriate. PECO St. 3 at 16. The Company would discuss any proposed changes with its stakeholders—at or between regular meetings—but would not seek prior Commission approval to implement the changes. Id. PECO would, however, notify the Commission of such changes through its evaluation and reporting requirements. Id. In the instance of Inter-Class changes affecting cost recovery, the Company has proposed to perform a true-up process at the end of the recovery period. Id.

For Inter-Class changes of more than $20 million, in total, over the course of the plan, PECO proposes that the Company and its stakeholders would develop and submit a proposed Plan modification to the Commission for its approval. PECO St. 3 at 17. Upon approval, both the changes to the plan and any modification to the recovery charges would be made. Id.

While this process provides a generally reasonable means to address mid-course corrections, the OCA submits that the Company should discuss with stakeholders whether any mid-course cost recovery adjustment would be needed even for charges of less than $20 million. As OCA witness Hahn explained:

> The process [outlined by PECO] provides a reasonable means to address mid-course corrections. I would suggest, however, that for changes of less than $20 million, the Company should still discuss with stakeholders whether any mid-course cost recovery adjustment would be needed and not limit the discussion to

> program changes. The stakeholders, and the Company, should be permitted to consider mid-course cost recovery adjustments even for amounts less than $20 million.

OCA St. 1 at 16. The OCA agrees that such changes should not automatically necessitate a filing, but stakeholders should be permitted to discuss the possible need for Commission review with the Company in its process.

E. Other Issues

The OCA has no other issues it wishes to address at this time.

VI. CONCLUSION

The OCA submits that PECO's Plan is generally designed to meet the requirements of the Act and does so in a cost-effective and balanced manner. Additionally, the Plan as a whole passes the TRC test. While the OCA generally supports the Plan, it recommends on-going review of two program components, an addition to PECO's ongoing stakeholder process, and a clarification of the Company's proposed process for Plan Adjustments. The Company should also be required to provide further information to verify that its Plan will meet the low income set-aside in the Act. Accordingly, the OCA submits that, with these additions, PECO's Act 129 EE&C Plan should be approved.

VII. PROPOSED ORDERING PARAGRAPH

IT IS HEREBY ORDERED THAT:

The Act 129 Energy Efficiency and Conservation Plan of PECO Energy, Inc. filed at Docket No. M-2009-2093215, is approved, with the following additions:

1. PECO is directed to perform specific evaluations of the operational aspects of the Conservation Voltage Reduction Program and provide that information to stakeholders and the Commission. If that evaluation reflects problems with that program, the dollars associated with this program should be shifted to other programs that are performing well and in need of expansion.

2. The fuel switching incentives in the Residential Home Energy Incentives Program shall be evaluated during the implementation phase —with information to be provided to stakeholders and the Commission—to properly identify those situations where incentives for fuel switching would be in both the public and the individual consumer's interest.

3. The Company is required continue its stakeholder process with at least quarterly meetings. Detailed information regarding the status of the Plan and each program as well as any potential issues must be provided to stakeholders at least one week prior to each meeting and in the interim, as necessary.

4. The Company's proposal for mid-course corrections is modified to allow for consideration by the Company and the stakeholders of the need for cost recovery adjustments even if the overall impact is less than $20 million for the Plan period.

Respectfully Submitted,

Jennedy S. Johnson

Jennedy S. Johnson
Assistant Consumer Advocate
PA Attorney I.D. # 203098
E-Mail: jjohnson@paoca.org
Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org
Counsel for:
Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

Date: August 28, 2009
115685.doc

CERTIFICATE OF SERVICE

Petition of PECO Energy Company for Approval of Its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program	: : : : :	Docket No. M-2009-2093215

I hereby certify that I have this day served a true copy of the foregoing document, Main Brief of the Office of Consumer Advocate, 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 28th day August 2009.

<u>SERVICE BY E-MAIL and INTEROFFICE MAIL</u>

Richard A. Kanaskie, Esquire
Carrie B. Wright, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Counsel for: *Office of Trial Staff*

<u>SERVICE BY E-MAIL and FIRST CLASS MAIL</u>

Romulo Diaz, Esquire
Anthony E. Gay, Esquire
Exelon Business Services Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Counsel for: *PECO Energy Company*

Thomas P. Gadsden, Esquire
Kenneth M. Kulak, Esquire
Anthony C. DeCusatis, Esquire
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Counsel for: *PECO Energy Company*

Charis Mincavage, Esquire
Barry A. Naum, Esquire
Shelby A. Linton-Keddie, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Counsel for: *Philadelphia Area Industrial Energy Users Group*

Daniel G. Asmus
Sharon E. Webb
Assistant Small Business Advocates
Office of Small Business Advocate
Commerce Building, Suite 1102
300 N. Second Street
Harrisburg, PA 17101
Counsel for: *Office of Small Business Advocate*

Robert D. Knecht
Industrial Economics Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
Consultant for: *Office of Small Business Advocate*

Jonathan Stein, Esquire
Philip Bertocci, Esquire
Thu B. Tran, Esquire
Community Legal Services Inc.
1424 Chestnut Street
Philadelphia, PA 19103
Counsel for: *Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia*

J. Barry Davis, Esquire
Scott J. Schwarz, Esquire
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
Council for: *City of Philadelphia*

Scott Perry, Assistant Counsel
Aspassia V. Staevska, Assistant Counsel
Commonwealth of Pennsylvania
Department of Environmental Protection
RCSOB, 9^{th} Floor
400 Market Street
Harrisburg, PA 17101-2301
Counsel for: *Department of Environmental Protection*

George Jugovic, Assistant Counsel
Commonwealth of Pennsylvania
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Counsel for: *Department of Environmental Protection*

Roger Clark, Esquire
The Reinvestment Fund
Sustainable Development Fund
718 Arch Street, Suite 300 North
Philadelphia, PA 19106
Counsel for: *The Reinvestment Fund*

Harry Geller, Esquire
John Gerhard, Esquire
Pennsylvania Utility Project
118 Locust Street
Harrisburg, PA 17101
Counsel for: *Association of Community Organizations for Reform Now*

Charles McPhedran
PennFuture
1518 Walnut Street, Suite 1100
Philadelphia, PA 19102
Counsel for: *Citizens for Pennsylvania's Future*

Daniel Clearfield, Esquire
Kevin J. Moody, Esquire
Eckert Seamans Cherin & Mellott, LL
8th Floor
213 Market Street
Harrisburg, Pa 17101
Counsel for: *Direct Energy Business LLC*

Christopher A. Lewis, Esquire
Christopher R. Sharp, Esquire
Melanie J. Tambolas, Esquire
Blank Rome, LLP
One Logan Square
Philadelphia, PA 19103
Counsel for: *Field Diagnostic Services, Inc. and Constellation NewEnergy, Inc.*

Daniel Ocko, Esquire
House Democratic Caucus
Office of Representative Mark B. Cohen
128 Main Capital
P.O. Box 202074
Harrisburg, PA 17120
Counsel for: *Representative Mark B. Cohen*

Scott H. DeBroff, Esquire
Rhoads & Sinon, LLP
Twelfth Floor
One south Market Square
Harrisburg, PA 17108-1146
Counsel for: *EnerNOC, Inc.*

Jennedy S. Johnson
Assistant Consumer Advocate
PA Attorney I.D. # 203098
E-Mail: jjohnson@paoca.org
Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

00114546.docx