

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities	:	
Corporation for Approval of an Energy	:	Docket No. M-2008-2093216
Efficiency and Conservation Plan	:	

MAIN BRIEF
ON BEHALF OF THE PENNSYLVANIA
ASSOCIATION OF COMMUNITY ORGANIZATIONS
FOR REFORM NOW ("ACORN")

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I. INTRODUCTION

On October 15, 2008, when Governor Edward Rendell signed House Bill 2200 into law as Act 129 of 2008 (“Act 129” or “the Act”), Pennsylvania leaped to the forefront of energy conservation and demand reduction activities in the country. The Act mandates significant reductions in retail electricity consumption through the installation and use of energy efficiency and demand reduction measures by ratepayers with the assistance of electric distribution companies (“EDCs”) and at the direction of the Pennsylvania Public Utility Commission (“Commission” or “PUC”). The resulting reductions in energy usage should yield monetary and environmental benefits for Pennsylvania’s citizens.

Act 129 recognizes that low income households, those households with income at or below 150% of the Federal poverty income guidelines (“FPIG”), can and must be part of this effort even though these households can not afford to purchase these measures. Act 129 includes specific, concrete language defining the meaning of “low income household,” requiring that low income households receive energy efficiency services proportionate to low income households’ energy usage in the service territory; requiring that low income programs be coordinated with federal, state, and Commission programs; and requiring funding for these services be in addition to and separate from existing funding of Commission mandated Low Income Usage Reduction programs (“LIURP”).

PPL Electric Utilities Corporation’s (“PPL”) Energy Efficiency and Conservation Plan (“EE&C Plan”) filed on July 1, 2009 sufficiently addresses the specific low income requirements of Act 129. PPL’s EE&C Plan asserts that its low income programs focus on low income families as defined by the Act. PPL’s EE&C Plan provides sufficient resources to serve low income households so it reasonably can be expected that the required proportion of energy

savings will accrue to low income households. PPL's EE&C Plan provides sufficient information so it reasonably can be expected its Act 129 activities will coordinate with federal, state, and Commission programs assisting low income households. PPL's EE&C Plan provides assurances that its LIURP and Act 129 funding will remain distinct from one another. Given this, the Commission should approve the Low Income Program segment of PPL's Plan.

II. PROCEDURAL HISTORY

On October 15, 2008, Governor Edward Rendell signed HB 2200 into law as Act 129 of 2008, with an effective date of November 14, 2008. 66 Pa.C.S. §§ 2806.1 et seq. The Act expanded the Commission's oversight responsibilities and imposed new requirements on electric distribution companies. Act 129 directed that by July 1, 2009 all electric distribution companies with at least 100,000 customers were to develop and file an EE&C Plan with the Commission for approval. 66 Pa.C.S. § 2806.1(b)(1)(I).

On January 15, 2009, the Commission issued an implementation order that established the standards each plan must meet and provided guidance on the procedures for submittal, review and approval of all aspects of EDC plans. *Energy Efficiency and Conservation Program, Implementation Order*, Docket No. M-2008-2069887, (Order entered January 16, 2009) ("Implementation Order"). Subsequent to the entry of the Implementation Order, the Commission issued a series of orders detailing specific aspects of the EE&C Plan formulation process, including: an order establishing a registry of conservation service providers and specifying the minimum qualifications for entry onto the registry, *Implementation of Act 129 of 2008, Phase 2 – Registry of Conservation Service Providers, Final Order*, Docket No. M-2008-2074154, (Order Entered February 5, 2009); an order establishing the Technical Reference

Manual (“TRM”) with standards to be used to measure and verify applicable demand side management and energy efficiency measures used by EDCs to meet the Act 129 consumption and peak demand reduction targets, *Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources – Technical Reference Manual Update, Final Order and TRM*, Docket No. M-00051865, (Order Entered June 1, 2009); an order establishing a Total Resource Cost (“TRC”) test with which EDCs are to measure the costs and benefits associated with their EE&C Plans, *Implementation of Act 129 of 2008 – Total Resource Cost (TRC) Test, Order*, Docket No. M-2009-2108601, (Order Entered June 23, 2009); and an order outlining the technical and procedural requirements for EDCs’ Smart Meter procurement and installation activities required under Act 129, *Smart Meter Procurement and Installation, Implementation Order*, Docket No. M-2009-2092655, (Order Entered June 24, 2009).

As required by the Commission’s Implementation Order, PPL initiated a stakeholder process. These meetings varied from those which were invitation only and others which were open to a broader range of stakeholders permitting public participation in the EE&C Plan formulation process. Representatives of low income residents were able to participate in a number of the stakeholder meetings, representing the interests of low income customers, and providing PPL with feedback regarding the Act’s requirements as they relate to low income households¹. PPL engaged the services of the Cadmus Group as a consultant to help plan for and design the EE&C Plan. On July 1, 2009, as required by and in compliance with Act 129 and the Implementation Order, PPL filed its EE&C Plan. *Petition Of PPL Electric Utilities Corporation*

¹ The Pennsylvania Utility Law Project, representing ACORN in this proceeding, attended these pre-plan filing stakeholder meetings.

For Approval of an Energy Efficiency And Conservation Plan, Docket No. M-2009-2093216, (Filed on July 1, 2009) (“*Petition*”).

III. DESCRIPTION OF PPL’S PLAN

This Brief is concerned exclusively with the EE&C Plan’s impact on low income households and will therefore focus only on those parts of the Plan dealing with low income households.

PPL’s EE&C Plan proposes to expand its existing Low Income Usage Reduction Program, known as “WRAP,” as the central component of its Act 129 low income initiative.² PPL proposes that its E-Power Wise Program, its Compact Fluorescent Lighting Campaign and its Direct Load Control Program will supplement and work in coordination with the WRAP measures as its Act 129 low income program.

PPL’s low income program has a budget of \$37,194,156 which is 15% of the total Act 129 proposed budget.³ The low income program’s projected cost-benefit ratio of 1.15 TRC makes it the most cost effective sector portfolio in PPL’s Plan.⁴ PPL projects that its low income residential sector will achieve four year energy savings of 68,562 MWh and 22,421 kW of demand reduction.⁵ “WRAP,” the cornerstone of the PPL low income plan, is projected to serve 23,590 households, result in electricity consumption savings of 18,695 MWh and to have a benefit to cost ratio of .64 (TRC). PPL’s low income program promises much for low income households.

² *Plan*, at 94.

³ Table 7, Budget and Parity Analysis Summary, *Plan* at 34.

⁴ Table 3, Portfolio Summary of Lifetime Costs and Benefits, *Plan* at 17.

⁵ Table 4, Summary of Portfolio Energy and Demand Savings, *Plan* at 18.

IV. SUMMARY OF ARGUMENT

Act 129 requires PPL to file an EE&C Plan that: ensures low income households achieve energy savings at least proportionate to their share of the energy burden in the service territory; defines low income household to include only those households with income at or below 150% of the FPIG; requires Act 129 low income programs to coordinate with other federal, state, and Commission programs; and ensures expenditures for Act 129 low income programs are in addition to and separate from expenditures made for the company's LIURP program. 66 Pa.C.S. § 2806.1(b)(1)(I)(G).

PPL's Plan substantially meets these low income provisions because it provides specific language detailing how each of the provisions will be met; these assurances by PPL can reasonably be relied upon by the Commission as a basis for approving the Plan's low income programs. First, PPL's Plan targets households with income up to 150% FPIG for enrollment into its low income programs.⁶ Second, PPL's Plan provides sufficient financial resources to the low income program so the Commission reasonably can be sure PPL will secure sufficient energy savings for low income households. PPL proposes to increase WRAP funding by approximately 60%, will treat single and multifamily dwellings, and will provide services to many low income households who had been previously ineligible to receive energy efficiency services under WRAP.⁷ PPL's Plan clearly indicates that expenditures for Act 129 low income programs are in addition to and separate from expenditures made for the company's LIURP program. Given these explicit assurances that the Plan meets Act 129's low income provisions, the Commission should approve PPL's low income programs.

⁶ Plan at 94.

⁷ Plan at 94.

V. ARGUMENT

A. Act 129 Conservation and Demand Reduction Requirements

1. *Overall Conservation Requirements*

N/A.

a. **2011 Requirements**

N/A.

b. **2013 Requirements**

N/A.

2. *Overall Demand Reduction Requirements*

N/A.

3. *Requirements for a Variety of Programs Equitably Distributed*

Act 129 requires the Commission to establish standards to ensure energy efficiency and conservation measures are provided equitably to all customer classes. 66 Pa.C.S. § 2806.1(a)(5). However, the equitable distribution standard does not apply to low income households because Act 129 has unique requirements for accruing energy savings to low income customers and to units of federal, state, and local government, including municipalities, school districts, institutions of higher learning, and nonprofit entities.⁸ §§ 2806.1(b)(1)(I)(B); 2806.1(b)(1)(I)(G). These special provisions supersede the more general equitable distribution standard applied to other parties:

Whenever a general provision in a statute shall be in conflict with a special provision in the same or another statute, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision,

⁸ For the sake of convenience, the entities referred to in Section 2806.1(b)(1)(I)(B) - federal, state, and local government, including municipalities, school districts, institutions of higher learning, and nonprofit entities – will be referred to collectively as “governmental entities” for the balance of this Brief.

unless the general provision shall be enacted later and it shall be the manifest intention of the General Assembly that such general provision shall prevail.

1 Pa.C.S.A. § 1933.

The Commission's Implementation Order provides an interpretation that supports this view and discusses the standards to ensure a variety of measures are applied equitably to all customer classes:

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. The driving principle should be the most cost effective use of resources so that benefits can accrue to all customers, even if only by virtue of more reasonable energy market prices. (*emphasis added*)

Implementation Order at 22. In these statements, the Commission explicitly holds Act 129 has “clear requirements” for low income households and governmental entities. That is, the Commission recognizes Act 129 provides special provisions for low income and governmental groups. Only after making this determination about low income and governmental customers does the Commission look “beyond those requirements” to note that “each customer class be offered at least one energy efficiency and demand response program.” *Id.* at 23. The plain words of the statute are soundly interpreted by the Commission to assure low income customers and governmental entities must receive special targeted savings. Only after these special provisions are addressed should EDCs consider the equitable apportionment of programs among the classes of customers.

PPL's Plan substantially meets Act 129's special provisions for low income savings by targeting sufficient energy savings to low income households. PPL projects 68,562 MWh of energy efficiency savings will accrue to low income households by the end of

program year 2012.⁹ The low income programs are expected to achieve 5 percent of the total of total program savings.¹⁰ These savings substantially meet Act 129's special requirements for low income savings.

4. *10% Government/Non-Profit Requirement*

N/A.

5. *Low Income Program Requirements*

Act 129 at Section 2806.1(b)(1)(I)(G) requires PPL to file an EE&C Plan that: ensures low income households achieve energy savings at least proportionate to their share of the energy burden in the service territory; defines low income households to include only those households with income at or below 150% of the FPIG; coordinates its low income program with other federal, state, and Commission programs; and ensures expenditures for Act 129 low income programs are in addition to and separate from expenditures made for the company's LIURP program. Because PPL's EE&C Plan substantially meets these burdens, the Commission should approve PPL's Act 129 low income program.

a. PPL's EE&C Plan targets to low income households energy savings at least proportionate to their share of the energy burden in the service territory.

Act 129 reads in part, "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). An EE&C Plan, in order to be legally sufficient, must provide explicit information detailing how a proportionate share of energy savings will accrue to low income households. PPL's EE&C Plan substantially complies with this requirement.

⁹ Table 4, Summary of Portfolio Energy and Demand Savings, *Plan at 18*.

¹⁰Summary Charts at 29.

The sentence from Section 2806.1(b)(1)(I)(G), “The number of measures shall be proportionate to those households' share of the total energy usage in the service territory,” is ambiguous on its face. The sentence employs two mathematical concepts: number, as in “number of measures,” and proportion, as in “proportionate” to share of total energy usage. It is difficult, if not impossible, to conceive how the General Assembly expected EDCs to design programs where a number of measures (expressed as a whole number) would be proportionate to a share of energy usage (expressed as a percentage). To attempt this exercise would be nearly impossible and leads to absurd results.

“The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly.” 1 Pa.C.S.A. § 1921(a). “When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” *Id.* at § 1921(b). It is presumed, “the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable.” *Id.* at § 1922(1). In this instance, where the words of the statute are not clear and free from all ambiguity, then the intent of the General Assembly must be ascertained using a number of criteria other than the plain meaning of the text. *Id.* at § 1921(c).

To ascertain the General Assembly’s intent, one may look to “[t]he occasion and necessity for the statute.” *Id.* at § 1921(c)(1). The occasion and necessity for the statute is the persistent increasing cost of electric energy, a cost that may skyrocket over the next several years as the remaining generation rate caps expire and customers receive significant increases in their electric bills. Rate increases will pressure everyone’s financial situation but particularly those of low income households. Increasing electric bills will affect these families in unique and dire ways unlike the effect on more affluent households. Low income households

have fixed incomes, little or no savings, family expenses that routinely outstrip family income, and little ability to change their situation. Quite simply, low income households will not be able to afford increased electric costs so will either go without electric or go without some other necessity, such as food, clothing, medical care, or prescription medicine. Moreover, even though low income households use less energy than their more affluent counterparts in the residential class, the cost of the energy they do use consumes a disproportionately larger portion of their household budget. Given this occasion and these necessities, the General Assembly intended to direct targeted savings to households that will be under such dire pressure from rate increases and do not possess the financial resources with which to mitigate the impact of these increases.

To ascertain the General Assembly's intent, one also may look to "[t]he mischief to be remedied." 1 Pa.C.S.A. § 1921(c)(3). A clear way to mitigate the impact of increasing electric costs associated with rate cap expiration is to decrease electric consumption. Given electricity's essential nature in today's world, reducing usage is not easy. A principal way to achieve reductions is through the purchase and installation of energy efficiency and demand reduction measures. Unfortunately, low income families do not have the spare cash to buy energy efficiency and demand response measures that could reduce their electric consumption and mitigate the increase in electric costs. Thus, low income families are likely to face a unique challenge and will in all likelihood have to go without electric energy, placing family members at significant risk of negative health and welfare repercussions. Given this "mischief," it is reasonable that the General Assembly intended to direct specific, targeted savings to households that will be under such dire pressure from rate increases and do not possess the financial resources with which to mitigate the impact of these rate increases.

To ascertain the General Assembly's intent, one also may look to "[t]he object to be attained." 1 Pa.C.S.A. § 1921(c)(4). The object to be attained in this instance is consumption reductions that result in lower electric bills for low income households. As was mentioned, low income families unaided will not be able to afford to purchase energy efficiency and demand response measures. It is reasonable that the General Assembly directed specific energy savings to low income families to compensate for families' financial inability to purchase energy savings measures on their own.

To ascertain the General Assembly's intent, one may look to "[t]he consequences of a particular interpretation." *Id.* at § 1921(c)(6). The consequence of interpreting the statute on its face is that an absurdity will result. On its face, the sentence, "The number of measures shall be proportionate to those households' share of the total energy usage in the service territory," seems to imply the sheer number of measures must be proportionate to low income households' share of total energy consumption. This would mean EDCs must first determine the low income share of energy usage (a percentage). Then, the EDC would have to somehow figure out how that percentage should be converted to a raw number of measures. Not only does using the number of measures result in difficult conversions, but it is inconsistent with the way the rest of Act 129 works. Act 129 works with energy savings targets, not raw numbers of measures. The overall goals of Act 129 include targets of 1 percent and 3 percent energy savings reductions and 4.5 percent demand reductions. 66 Pa.C.S. §§ 2806.1(c) and (d). Governmental entities must receive 10 percent of overall savings. *Id.* at § 2806.1(b)(1)(I)(B). It is reasonable that the General Assembly intended savings targeted for low income customers would work in a similar way.

Finally, to ascertain the General Assembly's intent, one may look to "[l]egislative and administrative interpretations of such statute." 1 Pa.C.S.A. § 1921(c)(8).

The Commission has issued an Act 129 Implementation Order providing an interpretation of Section 2806.1(b)(1)(I)(G):

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. The driving principle should be the most cost effective use of resources so that benefits can accrue to all customers, even if only by virtue of more reasonable energy market prices.

Implementation Order at p. 22. The Commission states clearly and explicitly that Act 129 has specific requirements for low income households and government entities, and the requirements are proportionate. Note, the Commission does not refer to number of measures but, rather, to proportionate measures.

The Commission groups these low income measures with those of governmental entities. Act 129 has a clear statement about governmental savings:

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). The express words of the statute and the Implementation Order agree that governmental energy savings must be a percentage of the entire Plan savings. That is, governmental entities' energy savings must comprise 10% of all the savings under the Plan.

Since the Commission is treating low income and governmental savings similarly, it makes sense to calculate those savings in a similar manner. Rather than trying to count individual measures and then compare them to a proportion of energy usage, the Commission's grouping of

governmental and low income savings suggests it is more appropriate to treat the required low income energy savings as a percentage of savings.

PPL's Plan contains program activities projected to garner significant energy efficiency savings for low income households. These targeted savings substantially comply with Act 129's special provisions requiring targeted low income savings. Because PPL's Plan targets such significant energy savings to low income households, the Commission should approve the low income program as substantially meeting Act 129's special low income energy savings provisions.

b. PPL's EE&C Plan defines low income to include households with income at or below 150% FPIG.

Act 129 reads in part, "The plan shall include specific energy efficiency measures for households at or below 150% of the federal poverty income guidelines." 66 Pa.C.S. § 2806.1(b)(1)(I)(G). To be legally sufficient, an EE&C Plan must provide explicit information detailing how energy efficiency measures will be directed to low income households, specifically defined as those with income at or below 150% FPIG, and how these savings will be evaluated and measured for purposes of determining whether sufficient savings have accrued to low income households.

"When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa.C.S.A. § 1921(b). The words of Act 129 are clear and free from ambiguity: low income households are defined as those with income at or below 150% FPIG. Households with income above 150%

FPIG are not low income for purposes of Act 129, no matter how these households may be treated or considered otherwise.¹¹

The Plan provides assurances that PPL will target households with income at or below 150% FPIG. Since PPL will be submitting annual Act 129 progress reports, the Commission will have ample opportunity to ensure program services are being sufficiently directed to households with income at or below 150% FPIG and that only savings from these households are used to assess progress toward low income savings targets.

c. PPL's Plan appropriately coordinates Act 129's low income program with other federal, state, and Commission programs.

Act 129 reads in part, "The electric distribution company shall coordinate measures under this clause with other programs administered by the commission or another federal or state agency." 66 Pa.C.S. § 2806.1(b)(1)(I)(G). In order to be legally sufficient, an Act 129 EE&C Plan must provide explicit information detailing how coordination among programs will occur. PPL's EE&C Plan provides this information.

"When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa.C.S.A. § 1921(b). The words of Act 129 are clear and free from ambiguity: "the electric distribution company shall coordinate measures under this clause with other programs administered by the commission or another federal or state agency." 66 Pa.C.S. § 2806.1(b)(1)(I)(G). The only possible ambiguity in this mandate is the meaning of the word "coordinate." Webster's Online Dictionary defines "coordinate" as follows:

¹¹ The Commission operates other "low income" programs in which households with income up to 200% FPIG may participate. See 52 Pa. Code Ch. 58 (relating to residential low income usage reduction programs). Also, the federal Weatherization Assistance Program, a program for low income households, serves households with income above 150% FPIG. The federal LIHEAP program also allows for families with higher income levels to receive services. However, Act 129 is explicit in defining "low income" to mean a household with income at or below 150% FPIG.

*transitive verb***1** : to put in the same order or rank**2** : to bring into a common action, movement, or condition : harmonize
<we need to *coordinate* our schedules>**3** : to attach so as to form a coordination complex*intransitive verb***1** : to be or become coordinate especially so as to act together in a smooth concerted way**2** : to combine by means of a coordinate bond

Retrieved from <http://www.merriam-webster.com/dictionary/coordinate> on August 23, 2009.

Accordingly, Act 129's coordination requirement demands PPL's low income program come into common action with other programs, harmonize with other programs, and act together in a smooth concerted way with other programs. A mere referral of low income customers to other programs alone, with no other active effort by the EDC, certainly falls short of the statutory requirement to coordinate with other programs. Had the General Assembly intended for EDCs only to make referrals, the term "referral" would have been used. However, the word that was chosen, "coordinate," contemplates more active involvement by the EDC. PPL's Plan anticipates the active participation of community based organizations and agencies which regularly interact with low income populations such as AARP, senior centers, PHFA, county agencies and commissioners and Headstart.

- d. PPL's Plan provides assurance that expenditures for Act 129 low income programs will be in addition to and separate from expenditures made for the company's LIURP program.**

Act 129 reads in part, "The expenditures of an electric distribution company under this clause shall be in addition to expenditures made under 52 Pa. Code Ch. 58 (relating to residential low income usage reduction programs)." 66 Pa.C.S. § 2806.1(b)(1)(I)(G). In order to be legally sufficient an EE&C Plan must provide an affirmative statement that

funding for Act 129 programs will be in addition to expenditures made under LIURP programs. PPL's Plan provides this assurance.

“When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” 1 Pa.C.S.A. § 1921(b). The words of Act 129 are clear and free from ambiguity: “The expenditures of an electric distribution company under this clause shall be in addition to expenditures made under 52 Pa. Code Ch. 58 (relating to residential low income usage reduction programs).” 66 Pa.C.S. § 2806.1(b)(1)(I)(G). These clear words require no interpretation.

PPL's Plan provides an explicit statement that Act 129 funding will be in addition to LIURP. The Plan states, “PPL Electric will increase the funding (approximately 60% increase) for this program [“WRAP”] under its Act 129 program portfolio[.]”¹² This statement makes it clear Act 129 funding for the low income program is over and above and separate from the funding of the existing WRAP program.

Because PPL's Plan provides an assurance that its Act 129 funding is in addition to its LIURP program funding, the Plan meets Act 129's special provisions regarding funding the low income program. As such, the Commission should approve PPL's low income program.

In summary, the plain language of Act 129 at Section 2806.1(b)(1)(I)(G) requires EDCs to file EE&C Plans that: ensure low income households achieve energy savings at least proportionate to their share of the energy burden in the service territory; define low income household to include only those households with income at or below 150% of the FPIG; require Act 129 programs for low income households to coordinate with other federal, state, and Commission programs; and ensure expenditures for Act 129 low income programs are in

¹² *Plan* at 94.

addition to and separate from expenditures made for the company's LIURP program. PPL's Plan satisfactorily meets each of these statutory requirements. As such, the Commission should approve the Plan's low income program component.

6. *Issues Relating to Individual Conservation and Demand Programs*

a. **Residential**

N/A.

b. **Commercial**

N/A.

c. **Industrial**

N/A.

7. *Proposals for Improvement of EDC Plan*

a. **Residential**

The Direct Testimony of Ian Phillips provides two proposals to improve PPL's EE&C Plan. ACORN Statement No. 1 at p. 9, line 17 – p. 11, line 10.

An Incentive to Hire Low Income Workers: The first recommendation is that PPL should incorporate into its RFP process an incentive for conservation service providers that hire low income individuals into their workforce. Part of the driving force behind Act 129 is the desire to help Pennsylvanians, particularly low income Pennsylvanians, cope with the increasing cost of electricity. While Act 129's principal focus is on reducing electric bills through efficiency and conservation, it is perfectly consistent with the intent of the statute to help low income customers afford electricity by helping them acquire jobs that will lift them out of poverty. By placing into its RFP process an incentive for conservation

service providers that hire low income workers, PPL can help low income families better pay for electric service while helping all consumers reduce electric usage.

A Plan to Reduce the Use of Space Heaters in Low Income

Households: The second recommendation is for PPL to include in its low income program activities a focused attempt to remove from low income households portable electric space heaters. Portable electric space heaters pose a serious threat to low income households physically and financially because portable electric space heaters are extremely dangerous to operate and extremely inefficient methods of heating. By targeting these portable electric space heaters for removal, PPL could achieve Act 129's goal of eliminating inefficient electrical devices, while simultaneously improving the well being of low income households.

Because these two recommendations are economical, easy to implement, and directly in line with Act 129's goals, the Commission should require PPL to incorporate them into the Plan.

b. **Commercial**

N/A.

c. **Industrial**

N/A.

B. Cost Issues

1. *Plan Cost Issues*

N/A.

2. *Cost Effectiveness/Cost-Benefit Issues*

N/A.

3. *Cost Allocation Issues*

N/A.

4. *Cost Recovery Issues*

N/A.

C. CSP Issues

N/A.

D. Implementation and Evaluation Issues

1. *Implementation Issues*

N/A.

2. *QA Issues*

N/A.

3. *Monitoring and Reporting Issues*

N/A.

4. *Evaluation Issues*

N/A.

E. Other Issues

N/A.

VI. CONCLUSION

In conclusion, Act 129 at Section 2806.1(b)(1)(I)(G) requires EDCs to file EE&C Plans that: ensure low income households achieve energy savings at least proportionate to their share of the energy burden in the service territory; define low income household to include only those households with income at or below 150% of the FPIG; require Act 129 programs for low income households to coordinate with other federal, state, and Commission programs; and ensure

expenditures for Act 129 low income programs are in addition to and separate from expenditures made for the company's LIURP program. Given that PPL's EE&C Plan substantially meets each of these legal requirements, the Commission should approve the low income program segment of PPL's EE&C Plan.

VII. PROPOSED ORDERING PARAGRAPHS

THEREFORE, IT IS ORDERED:

1. The low income program section of PPL's Energy Efficiency and Conservation Plan, filed pursuant to Act 129, is hereby approved.
2. Only energy savings from households with income at or below 150% FPIG will be measured and used to determine whether PPL hits its low income energy savings targets.
3. PPL shall actively coordinate its Act 129 Low Income Energy Efficiency program with other federal, state, and Commission programs.
4. Funding for PPL Act 129 Low Income Energy Efficiency program will be above and beyond existing funding for PPL's LIURP program.
5. PPL shall design and incorporate into its Energy Efficiency and Conservation Plan a plan to incentivize conservation service providers to hire low income workers.
6. PPL shall design and incorporate into its Energy Efficiency and Conservation Plan a plan to reduce the use of portable electric space heaters in low income households.

Respectfully submitted,
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