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File #: 180418

May 12, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of the Industrial Energy Consumers of Pennsylvania to Suspend
Implementation of that Act 129 Phase IV Requirements and for Other Relief
Docket No. P-2020-3019562**

Dear Secretary Chiavetta:

Enclosed for filing is the Petition to Intervene of PPL Electric Utilities Corporation in the above-referenced proceeding.

Copies are being provided electronically only, as indicated on the Certificate of Service, due to the current closure of all non-life sustaining businesses in the Commonwealth upon direction of Governor Wolf.

Respectfully submitted,

Garrett P. Lent

GPL/jl
Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

(Docket No. P-2020-3019562)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

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AB Energy, et al

Date: May 12, 2020

A handwritten signature in cursive script, appearing to read "Garrett P. Lent".

Garrett P. Lent

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Industrial Energy Consumers :
of Pennsylvania to Suspend Implementation :
of that Act 129 Phase IV Requirements and : Docket No. P-2020-3019562
for Other Relief :

PETITION TO INTERVENE OF PPL ELECTRIC UTILITIES CORPORATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Sections 5.71-5.76 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 5.71-5.76, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Petition to Intervene in the above-captioned proceeding pending before the Commission, regarding the Petition of the Industrial Energy Consumers of Pennsylvania (“IECPA”) to Suspend Implementation of that Act 129 Phase IV Requirements and for Other Relief, which was filed on April 22, 2020 (the “Petition”).¹

I. INTRODUCTION

On April 22, 2020, IECPA filed the above-captioned Petition with the Commission. In the Petition, IECPA requests that the Commission: (a) suspend or delay the implementation of Phase IV of Act 129 Energy Efficiency and Conservation (“EE&C”) Plans; (b) extend the Phase III of Act 129 for a commensurate time period; (c) mandate a reduction in the surcharges imposed on customers for the remaining duration of electric distribution companies’ (“EDC”) Phase III EE&C Plans; (d) mandate that any in progress or planned energy efficiency and demand reduction projects be continued or commenced as soon as feasibly possible; and (e)

¹ Simultaneously herewith, PPL Electric has filed an Answer to the Petition in Docket No. P-2020-3019562.

suspend or waive all penalties applicable to an EDC's failure to meet specified energy or peak demand reduction targets for Phase III.

For the reasons explained below, the relief sought by IECPA directly, immediately and substantially affects PPL Electric's interests. Therefore, PPL Electric respectfully requests that it be granted intervenor status in the above-captioned proceeding and that the Commission deny the relief requested in the Petition.

In support of this petition to intervene, PPL Electric states the following:

II. PPL ELECTRIC

1. PPL Electric is a public utility and an electric distribution company ("EDC") as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803. PPL Electric furnishes electric distribution, transmission, and default supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

2. Pursuant to Act 129 of 2008, P.L. 1592, 66 Pa. C.S. §§ 2806.1 and 2806.2 ("Act 129"), PPL Electric designed and implemented Phase I and Phase II EE&C Plans.

3. On July 1, 2009, PPL Electric filed its Phase I EE&C Plan with the Commission in accordance with to Act 129 and various related Commission orders. The Commission approved PPL Electric's Phase I EE&C Plan, with modifications, on October 26, 2009,² and further revisions were approved on February 17, 2010.³

² See *Petition of PPL Electric Utilities Corporation for Approval of its Energy Efficiency and Conservation Plan*, Docket No. M-2009-2093216 (Order Entered Oct. 26, 2009).

³ See *Petition of PPL Electric Utilities Corporation for Approval of its Energy Efficiency and Conservation Plan*, Docket No. M-2009-2093216 (Order Entered Feb. 17, 2010).

4. On November 15, 2012, PPL Electric filed its initial Phase II EE&C Plan. The Commission approved PPL Electric's initial Phase II EE&C Plan, with modifications, on March 14, 2013.⁴ PPL Electric's subsequent compliance filing was approved by the Commission on July 11, 2013.⁵

5. On November 30, 2015, PPL Electric filed its initial Phase III EE&C Plan with the Commission pursuant to Act 129 and various related Commission orders. The Commission approved PPL Electric's initial Phase III EE&C Plan, with modifications, on March 17, 2016.⁶ Pursuant to the *March 2016 Order*, PPL Electric submitted a compliance filing on April 22, 2016. The Company subsequently filed an Errata to its compliance filing on May 24, 2016. The Commission approved PPL Electric's compliance filing, as amended, on June 27, 2016.⁷

6. PPL Electric's Phase I, Phase II, and Phase III EE&C Plans have included broad portfolios of energy efficiency and energy education programs and initiatives. PPL Electric's portfolios of programs were designed to provide customer benefits and to meet the energy reduction goals set forth in Act 129. All of these EE&C Plans have included a range of energy efficiency programs that included every customer segment in PPL Electric's service territory. For Phase I, the Company achieved 1,642,067 MWh/yr of verified gross energy savings and 340.9 MW of verified gross peak demand reduction, well in excess of its compliance targets of 1,146,4310 MWh/yr and 297 MW respectively. For Phase II, PPL Electric achieved 1,194,372

⁴ See *Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*, Docket No. M-2012-2334388 (Order Entered Mar. 14, 2013).

⁵ See *Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*, Docket No. M-2012-2334388 (Order Entered July 11, 2013).

⁶ See *Petition of PPL Electric Utilities Corp. for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan*, Docket No. M-2015-2515642 (Order Entered Mar. 17, 2016) ("*March 2016 Order*").

⁷ *Petition of PPL Electric Utilities Corp. for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan*, Docket No. M-2015-2515642 (Tentative Order Entered June 9, 2016) ("*June 2016 Order*"); Secretarial Letter, Docket No. M-2015-2515642 (June 27, 2016) ("*June 2016 Secretarial Letter*") (stating that PPL Electric's compliance EE&C Plan had become final without further action by the Commission).

MWh/yr of verified gross energy savings (698,736 MWh/yr from energy efficiency programs and 495,636 MWh/yr from carryover in Phase I), which was in excess of the compliance target of 821,072 MWh/yr. For Phase III, PPL Electric is currently on track to achieve its compliance targets of 1,443,035 MWh/yr and 92 MW/yr.

7. PPL Electric is also an active participant in the Commission's Phase IV Energy Efficiency and Conservation Program proceeding at Docket No. M-2020-3015228.

III. PPL ELECTRIC'S INTEREST IN THE PROCEEDING

8. IECPA seeks relief that, if granted, directly affect PPL Electric's administration of its Phase III EE&C programs and its implementation of its Phase IV EE&C Plan. Specifically, Specifically, IECPA seeks to extend Phase III by a number of days commensurate with any delay of the implementation of Phase IV. Although PPL Electric is currently administering its Phase III EE&C Plan, and is currently on track to achieve its compliance targets of 1,443,035 MWh/yr and 92 MW/yr, IECPA's request to extend Phase III by 270-days would affect PPL Electric's administration of its Phase III EE&C Plan and its implementation of its Phase IV EE&C Plan.

9. IECPA's Petition also would affect PPL Electric's Act 129 Compliance Rider – Phase III (“ACR-3”), which the Company uses to timely recover the costs of its Phase III EE&C Plan. In its Petition, IECPA requests that the Commission immediately reduce the Phase III EE&C surcharges of EDCs by 50%, including PPL Electric's ACR-3. This relief could eliminate funding for beneficial programs and frustrate PPL Electric's timely recovery of expenditures made to furnish these programs. Furthermore, it would undermine the reconciliation already provided for by EE&C surcharges, including PPL Electric's ACR-3.

10. Moreover, IECPA's Petition could negatively affect PPL Electric's ratepayers. PPL Electric submits that implementing Phase IV of Act 129 pursuant to the schedule set forth in

the Phase IV Tentative Implementation Order will benefit the public, by providing continued opportunities for customers to participate in EE&C programs and reduce their electric consumption and demand. Importantly, the Commission has repeatedly recognized that increasing energy efficiency and reducing consumption benefits the Commonwealth as well as participating customers. By enabling customers to participate in the Company's EE&C programs and consequently reducing their bills for electric service, PPL Electric believes that its EE&C programs can help alleviate some of the economic hardship caused by the COVID-19 outbreak.

11. Finally, IECPA's further request to suspend or waive penalties for non-compliance with Phase III targets will affect PPL Electric's rights and obligations under Act 129.

IV. REQUEST FOR RELIEF

12. Given PPL Electric's significant interest in the continued administration of its Phase III EE&C Plan, the implementation of its Phase IV EE&C Plan, and its ability to timely recover the costs incurred under its Phase III EE&C Plan, PPL Electric respectfully requests that it be permitted to intervene and participate as a full party in the above-captioned proceeding and that it be placed on the Commission's official Service List for the associated docket.

13. All pleadings, correspondence and other documents in this proceeding should be directed to PPL Electric's attorneys in this matter:

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14. Eligibility to intervene in Commission proceedings is governed by the Commission's regulations found at 52 Pa. Code § 5.72. The Commission's regulations provide that in order to have the ability to intervene, a party must have a "right or interest" sufficient to warrant intervention, which includes an interest that may be "directly affected" by the proceeding and "which is not being adequately represented by existing participants, and as to which the petitioner may be bound by the actions of the Commission in the proceeding" or where the right or interest is otherwise in the public interest. *Id.*

15. PPL Electric has a direct and substantial interest in the outcome of this proceeding. As explained above, IECPA's various requests for relief, if granted, would directly affect PPL Electric in several ways, including: (1) PPL Electric's administration of its Phase III EE&C Plan; (2) PPL Electric's compliance targets under its Phase III EE&C Plan; (3) PPL Electric's recovery of costs incurred under its Phase III EE&C Plan; and (4) the timing and implementation of PPL Electric's Phase IV EE&C Plan.

16. PPL Electric's rights and obligations are not adequately represented by other parties in this proceeding. No other party can adequately represent PPL Electric's interests in the

administration of its Commission-approved Phase III EE&C Plan and ACR-3 or PPL Electric's implementation of its Phase IV EE&C Plan.

17. PPL Electric intends to participate in any formal or informal proceedings which may result in this proceeding.

18. Therefore, and for the reasons more fully explained above, PPL Electric respectfully requests that the Commission grant its intervention and deny the relief requested in the Petition.

V. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission grant PPL Electric status as a party in the above-captioned proceeding, and deny the Petition of the Industrial Energy Consumers of Pennsylvania to Suspend Implementation of that Act 129 Phase IV Requirements and for Other Relief.

Respectfully submitted,



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Date: May 12, 2020

Counsel for PPL Electric Utilities Corporation

VERIFICATION

I, DIRK S. CHILES, being the Manager – Energy Efficiency at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 12, 2020



Dirk S. Chiles