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May 12, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Keystone Energy Efficiency Alliance's Petition to Intervene, with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Sarah C. Stoner

Sarah C. Stoner

SCS/jls
Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

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Sarah C. Stoner

Sarah C. Stoner, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

KEYSTONE ENERGY EFFICIENCY ALLIANCE’S PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.72-5.75, the Keystone Energy Efficiency Alliance, (“KEEA”)¹ submits this Petition to Intervene in the above captioned proceeding. KEEA is a 501(c)(6) trade association that represents over 70 members that manufacture, design, and implement energy efficiency improvements in buildings across Pennsylvania. The ability of KEEA members to continue to offer energy efficiency improvements and participate in Act 129 energy efficiency and conservation programs will be directly impacted by the outcome of this proceeding.

In support its Petition to Intervene, KEEA states as follows:

1. KEEA’s attorneys in this matter are:

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¹ The comments expressed in this filing represent the position of the Keystone Energy Efficiency Alliance (“KEEA”) as an organization but may not represent the views of any particular member of the organization. More information on KEEA can be found at <https://keealliance.org/>.

Erin Cosgrove, Esq.²
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2. On April 22, 2020, Industrial Energy Consumers of Pennsylvania (“IECPA”) filed a Petition to Suspend Implementation of the Act 129 Phase IV Requirements and for Other Relief (“Petition”). The Petition requests the Commission suspend or delay the implementation of Phase IV Energy Efficiency & Conservation (“EE&C”) requirements for at least 270 days and extend the Phase III EE&C period for a 270-day period. IECPA additionally requested an immediate reduction of at least 50% in the EE&C surcharges imposed on customers during Act 129 Phase III and a waiver of all penalties that would be imposed on an EDC if it failed to meet Phase III targets.

3. The Commission’s regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and, as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A “person” includes a corporation and an association. 52 Pa. Code § 1.8. KEEA meets the standards for intervention set forth in 52 Pa. Code § 5.72(a).

4. KEEA is a 501(c)(6) trade association that represents the energy efficiency industry. KEEA represents over 70 members that manufacture, design, and implement energy efficiency improvements in buildings across Pennsylvania on behalf of regulated utilities, the

² KEEA submitted a motion to admit Erin Cosgrove, Esq. *pro hac vice* in this matter on May 12, 2020.

Commonwealth, and ratepayers. KEEA's members are actively participating in the Act 129 Phase III programs and will be participating in Phase IV programs. Their businesses are closely tied to the implementation of Act 129 utility programs and, as a result, KEEA actively participates in Act 129 regulatory proceedings. Therefore, any policy or regulatory changes in the implementation of Act 129 Phase III and Phase IV will directly affect KEEA and its members.

5. KEEA's interests in this proceeding are unique from, and not adequately represented by, other parties that may seek to intervene. KEEA is a well-established local organization which has extensive experience in energy efficiency in Pennsylvania. KEEA members include conservation service providers ("CSPs"), energy efficiency contractors and construction firms, and large energy users in health care, distribution, and manufacturing who have invested significant resources in Act 129 projects. KEEA is an active participant in the Commission's Act 129 proceedings and can offer the unique perspectives and insights of a trade association representing a diverse mix of members that implement energy efficiency improvements in buildings across the Commonwealth. Moreover, KEEA's members are actively participating in the Act 129 Phase III programs and will be participating in Phase IV programs. Therefore, KEEA can assess and offer its unique perspectives about how the Petition will impact Act 129 Phase III and Phase IV initiatives. As such, KEEA's interests in this proceeding are unique from other parties that may seek to intervene and its intervention should be granted.

6. KEEA will be directly impacted by the outcome of this proceeding. KEEA's business members manufacture, design, and implement energy efficiency programs currently as part of Act 129 Phase III and will be participating in Phase IV programs. Some of KEEA's businesses exclusively work on Act 129 programs and rely on the plans and budgets established

by the Commission and utilities to continue to operate. Therefore, any changes to Act 129 Phase III and Phase IV implementation, whether they be adjustments to timelines, budgets, or program designs, will directly impact the business of KEEA members.

7. KEEA's intervention is in the public interest. As a party in this proceeding, KEEA will offer a unique perspective of an association that represents businesses that manufacture, design, and implement energy efficiency improvements in buildings across the Commonwealth. KEEA's members have been and will continue to be detrimentally impacted by the economic ramifications of COVID-19 and will be directly impacted and bound by the Commission's decision on IECPA's Petition. KEEA can offer unique insight to the Commission as to the business needs of the energy efficiency community which will assist in the consideration of the Petition. Thus, granting KEEA's intervention is in the public interest.

8. These are the preliminary issues identified by KEEA at this early stage in the proceeding which have the potential to directly impact KEEA. KEEA reserves the right to raise and address issues identified through its continued review and analysis of the Petition.

9. For all these reasons, KEEA is directly impacted and will be bound by the outcome of this proceeding and, therefore, intervention should be granted.

WHEREFORE, for all the reasons set forth above, KEEA respectfully requests that the Commission grant this Petition to Intervene.

Respectfully submitted,

Sarah C. Stoner

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Date: May 12, 2020

Attorney for Keystone Energy Efficiency Alliance

VERIFICATION

I hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and that I am duly authorized to make this verification, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Richard Selverian
President of the Board of Directors
Keystone Energy Efficiency Alliance