

August 17, 2020

**VIA E-File**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Filing Room  
Harrisburg, PA 17120

**RE: Act 129 Energy Efficiency and Conservation Program Phase IV  
Energy Efficiency and Conservation Plan Template  
Docket No. M-2020-3015228**

***Joint Comments of the Pennsylvania Energy Efficiency for All Coalition***

Dear Secretary Chiavetta,

Please find the Joint Comments of Community Legal Services of Philadelphia, Inc., Green & Healthy Homes Initiative, Housing Alliance of Pennsylvania, Keystone Energy Efficiency Alliance, National Housing Trust, Natural Resources Defense Council, Pennsylvania Utility Law Project, and Regional Housing Legal Services (collectively, the Pennsylvania Energy Efficiency for All Coalition (PA-EEFA)), which are submitted for filing in the above noted proceeding.

Please contact me or any of the undersigned coalition representatives with questions.

Respectfully submitted,



Elizabeth R. Marx, Executive Director  
Pennsylvania Utility Law Project  
[emarxpulp@palegalaid.net](mailto:emarxpulp@palegalaid.net)  
(717) 710-3825

CC: Joseph Sherrick, Bureau of Technical Utility Services, [josherrick@pa.gov](mailto:josherrick@pa.gov)  
Adam Young, Law Bureau, [adyoung@pa.gov](mailto:adyoung@pa.gov)  
Charles Covage, Bureau of Technical Utility Services, [ccovage@pa.gov](mailto:ccovage@pa.gov)  
Kriss Brown, Law Bureau, [kribrown@pa.gov](mailto:kribrown@pa.gov)  
Darren Gill, Law Bureau, [dgill@pa.gov](mailto:dgill@pa.gov)

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Implementation of Act 129 of 2008 - :  
Energy Efficiency and Conservation : Docket No. M-2020-3015228  
Plan Template :**

---

**JOINT COMMENTS OF THE  
PENNSYLVANIA ENERGY EFFICIENCY FOR ALL COALITION (PA-EEFA)**

COMMUNITY LEGAL SERVICES OF PHILADELPHIA, INC.

GREEN & HEALTHY HOMES INITIATIVE

HOUSING ALLIANCE OF PENNSYLVANIA

KEYSTONE ENERGY EFFICIENCY ALLIANCE

NATIONAL HOUSING TRUST

NATURAL RESOURCES DEFENSE COUNCIL

PENNSYLVANIA UTILITY LAW PROJECT

REGIONAL HOUSING LEGAL SERVICES

---

## **I. INTRODUCTION**

On July 27, 2020, the Pennsylvania Public Utility Commission (“Commission”) issued a Secretarial Letter seeking comment on the Act 129 Phase IV Energy Efficiency and Conservation Plan Template (“template”). The following comments are submitted for consideration by the above-named organizations, collectively referred to herein as the Pennsylvania Energy Efficiency for All Coalition (“PA-EEFA”).<sup>1</sup> PA-EEFA is a coalition of Pennsylvania and national organizations that share a common goal of ensuring that low-income individuals and families have

---

<sup>1</sup> **Community Legal Services (CLS)** provides free civil legal assistance to low-income Philadelphians. CLS assists clients when they face the threat of losing their homes, incomes, health care, utility service, and even their families. CLS attorneys and other staff provide a full range of legal services, from individual representation to administrative advocacy to class action litigation, as well as community education and social work.

The **Housing Alliance of Pennsylvania** is a statewide coalition working to provide leadership and a common voice for policies, practices and resources to ensure that all Pennsylvanians, especially those with low incomes, have access to safe, decent and affordable homes.

The **Green & Healthy Homes Initiative (GHHI)** is the nation’s leading voice in the efforts to advance energy efficiency and healthy housing, working in over 61 cities and over 20 states. In Pennsylvania, GHHI serves as an advisor to the State childhood lead poisoning prevention program and provides technical assistance to the cities of Pittsburgh and Philadelphia to align, braid and coordinate evidence-based healthy, safe and energy efficient housing intervention programs.

The **Keystone Energy Efficiency Alliance (KEEA)** is Pennsylvania’s trade association for the energy efficiency industry. Our membership, comprised of seventy companies, ranges from small local firms to large multinational corporations and operates across the value chain of energy efficiency. We engage our membership and key policymakers in support of an industry that accounts for more than 71,000 Pennsylvania jobs. The policy we promote at the state and local level expands the market for energy efficiency.

The **National Housing Trust** protects and improves existing affordable rental homes so that low income individuals and families can live in quality neighborhoods with access to opportunities.

The **Natural Resources Defense Council (NRDC)** works to safeguard the earth—its people, its plants and animals, and the natural systems on which all life depends. We combine the power of more than three million members and online activists with the expertise of some 700 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild.

The **Pennsylvania Utility Law Project (PULP)** is a statewide specialty legal services program in Pennsylvania whose mission is to ensure that low income consumers can connect to and maintain affordable utility services in Pennsylvania.

**Regional Housing Legal Services (RHLS)** is a nonprofit law firm with unique expertise in affordable, sustainable housing and its related components — community and economic development, utility matters and preservation of home ownership. RHLS provides innovative project and policy solutions that help create sustainable communities offering decent, safe and affordable housing for lower-income Pennsylvanians.

access to energy efficiency services to reduce their energy consumption. PA-EEFA previously provided comments and reply comments to the Commission in Act 129 Phase IV regarding the Tentative Implementation Order, and its members have been actively involved in Act 129 policy proceedings for many years.

## **II. COMMENTS**

PA-EEFA provides the following comments in response to the Commission's proposed template for Phase IV Act 129 Energy Efficiency and Conservation Plans. PA-EEFA appreciates the level of detail that the template calls for and supports the high level of transparency that is outlined in the Commission's proposal. Comprehensive and accurate presentation of the EDCs' plans will lead to better public and stakeholder understanding of their strengths and shortcomings and will allow for meaningful input through public comments and formal litigation – and will help to facilitate meaningful input from utility stakeholders. PA-EEFA offers the following specific comments for the Commission's consideration to further strengthen the template and improve upon the clarity and transparency of the EDC's plans.

### **1. Overview of Plan**

1.2 PA-EEFA recommends that this section be amended to specifically require EDCs to describe its process for stakeholder engagement, and how its plan responds to specific input from various stakeholders throughout its development process.

PA-EEFA further recommends that the Commission include three additional subparts in Section 1. First, the Commission should include a requirement for EDCs to describe the strategy it will use to achieve low income savings targets, and how it will ensure that energy efficiency services are provided to both single and multi-family low income households.

1.10 Summary description of the EDCs' strategy for providing energy efficiency

programs to low-income customers to achieve the required low-income savings targets, noting how the EDCs will ensure that energy efficiency services are equitably distributed across the EDC's utility service territory to both single family and multifamily low-income households.

Second, the Commission should include a requirement for EDCs to summarize how it will ensure that services are provided equitably across its service territory. EDCs cover very diverse regions – covering large swaths of urban, suburban, and rural populations. This additional section should also outline steps the EDCs propose to take to ensure equitable access and participation among communities of color. Importantly, EDCs should be required to explain and illustrate the data they will collect and the metrics they will use to measure their success with respect to reaching underserved communities. It is critical to collect demographic data of program participants to help the Commission, the utilities, and stakeholders to better understand whether, how, and in what ways services may be provided in a biased or inequitable manner, as research is clear that communities of color have disproportionately high energy usage and energy burdens.<sup>2</sup>

- 1.11 Summary description of how the EDC will ensure that energy efficiency and conservation services are provided equitably to consumers across the EDC's service territory, including a description of how the EDC will ensure equity will be achieved in its plans to measure and verify participation rates in traditionally underserved communities.

Finally, PA-EEFA recommends that the Commission require EDCs to describe and explain how the EDC intends to coordinate and integrate its Act 129 energy efficiency and conservation programs and its Low Income Usage Reduction Programs (LIURP), to ensure comprehensive and efficient service delivery. The EDC should also describe how Act 129 programs will interact with other energy efficiency, conservation, and healthy homes programs within its service territory, including but not limited to the federal Weatherization Assistance Program, any voluntary natural

---

<sup>2</sup> ACEEE, [Lifting the High Energy Burden in America's Largest Cities: How Energy Efficiency Can Improve Low Income and Underserved Communities](https://www.aceee.org/research-report/u1602) (April 2016), <https://www.aceee.org/research-report/u1602>.

gas utility programs, or lead poisoning prevention or other healthy homes programs within the EDC's service territory. Interaction with these programs can help to address health and safety barriers to more comprehensive energy efficiency upgrades, which could allow program dollars to provide more extensive benefits to customers.

- 1.12 Summary of how the EDC intends to integrate its Act 129 low income energy efficiency and conservation programming with its Low-Income Usage Reduction Program, as well as its efforts to coordinate its Act 129 low income programming with other energy efficiency programs across its service territory.

## **2. Energy Efficiency Portfolio/Program Summary Tables and Charts**

2.1 PA-EEFA recommends adding "Low-Income" to the list of sectors, consistent with Table 5 in the template. The objective of this section is to provide a quantitative overview of the entire plan. Given the strong interest and critical importance of low-income programs, it is important that they be specifically identified and described in the program summary.

Additionally, in the third line of footnote 6, PA-EEFA recommends adding "market" such that the sentence reads as follows: "Programs should be organized around a common technology, end-use, market, or delivery mechanism." Organizing a program around a particular market can provide opportunities to engage customers to install efficiency measures for a number of different end-uses or technologies in the same transaction, and can also be used to develop longer-term relationships leading to sustained efficiency investments. For example, a program might be organized around the grocer market, where it would work with facilities managers to support efficient refrigeration, lighting, ventilation, and water heating. A number of different end-uses and technologies are thus all targeted to the same type of customer.

## **3. Program Descriptions**

3.1.4 PA-EEFA recommends including the following additional language to this section:

Provide the weighted average estimated useful life (“EUL”) for each program proposed by the EDC to fulfill the requirement for a comprehensive residential and non-residential program.

This addition to the template will assist the Commission and stakeholders to evaluate the depth of savings and longevity of the measures provided through each program to determine whether the EDCs have adequately fulfilled the Commission’s stated intent to require utilities to provide comprehensive energy efficiency programming.

3.2, 3.2.1, 3.3, 3.4, 3.5 In addition to first year megawatt hour (“MWh”) savings and dollars per kilowatt hour (“kWh”) saved, PA-EEFA recommends that the EDCs also report lifecycle MWh savings and costs per lifetime MWh saved. This will provide an important view into the relative economic value provided by the EDC programs, as the cost of first year savings can inadvertently mislead reviewers with respect to the relative costs and benefits of different initiatives.

#### **4. Program Management and Implementation Strategies**

PA-EEFA recommends that the EDCs include a discussion of how COVID-19 is treated in the five-year plans. EDCs should be required to describe assumptions built into its plans regarding the programs’ ability to conduct on-site activities in each year of the plan, as well as specific risk-mitigation strategies related to COVID-19 to ensure that customers can be served and targets can be achieved.

4.1.6 PA-EEFA recommends including a description of how the EDCs will ensure that low-income communities and other marginalized populations, including Black and Brown communities, are represented in stakeholder engagement. PA-EEFA believes strongly that services to consumers must be driven by consumers. To achieve this goal, it is critical that EDCs be required to engage directly and intentionally with the diverse public they serve.

## **6. Quality Assurance and Evaluation, Measurement and Verification**

PA-EEFA recommends including a description of Quality Assurance/Quality Control procedures related to ensuring data integrity and accuracy. Complete and accurate data is critical to program evaluation – both in determining whether the plan is adequately designed and in later evaluating the program’s success. Inadequate planning around data integrity and accuracy can create issues for program evaluation that do not become clear until long after the issue is too late to correct. Requiring utilities to specifically identify and explain its plan for ensuring data integrity and accuracy in the planning phase will help ensure that EDCs have fully considered and addressed this important issue.

## **9. Plan Compliance Information and Other Key Issues**

9.1.2 PA-EEFA recommends adding a description of how EDCs harmonize Act 129 and LIURP programs to deliver comprehensive benefits to low income consumers. EDCs should be required to specify the manner in which its services will be coordinated across programs, including – for example – scheduling of services, the use of a common application, coordination across or between Community Based Organizations and Conservation Service Providers, and a description of how EDCs are leveraging the programs to provide comprehensive services across the low-income sector. In addition to inter-utility coordination, between and across each EDC’s Act 129 and LIURP programming, EDCs should also describe how the utility will coordinate and leverage Act 129 programming with external energy efficiency, conservation and healthy housing programs



– including but not limited to the federal Weatherization Assistance Program (WAP), natural gas utility programming, lead poisoning prevention programs, asthma trigger reduction programs, and other programs that address structural issues in a home, all of which may be available in the service territory.

Understanding how services are currently synchronized can allow for not only enhanced energy efficiency services for low-income customers but also can help establish best practices for coordination and allow stakeholders to have the data to provide more comprehensive proposals for approaches to coordination efforts going forward.

## **Tables**

### **Table 8**

PA-EEFA recommends that the EDCs include footnotes or a table key that explains how participation is defined for each program. PA-EEFA recommends this because participation is determined differently depending on the measure. For example, replacing all lighting in a home would be measured by bulb, not by household, whereas a customer switching from an electric to a gas furnace could be measured by household. It is important to know how participation is defined to properly evaluate program reach.

### **Table 10**

Table 10 requires acquisition costs for both MWh and MW savings. However, many individual measures will produce both MWh and MW savings. It is not clear from the template how costs for measures that produce both MWh and MW savings should be allocated to determine the separate acquisition costs. Without clear and consistent procedures for this allocation, the results will not be comparable across the EDCs or between programs.

### **III. CONCLUSION**

PA-EEFA thanks the Commission for the opportunity to comment on the proposed EE&C plan template and supports the Commissions efforts to ensure the utilities develop a comprehensive, detailed EE&C plan that provides both clarity and transparency for the Commission, stakeholders, and ratepayers. PA-EEFA's recommendations are intended to strengthen the template and ensure robust data collection and detailed program description, especially relating to low-income programming, for implementation of Phase IV of Act 129. PA-EEFA therefore respectfully recommends the Commission modify the template to include the recommendations as described above.

**Respectfully submitted,**

/s/ Josie B.H Pickens

Josie B.H. Pickens, Esq.  
Robert W. Ballenger, Esq.  
Co-Directors, Energy Unit  
**Community Legal Services**  
1424 Chestnut Street  
Philadelphia, PA 19102  
[jpickens@clsphila.org](mailto:jpickens@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

/s/ Ruth Ann Norton

Ruth Ann Norton  
President & CEO  
**Green & Health Homes Initiative**  
1612 K Street, N.W., Suite 902  
Washington, DC, 20006  
[ranorton@ghhi.org](mailto:ranorton@ghhi.org)

/s/ Gale Schwartz

Gale Schwartz  
Associate Director, Policy & Strategic  
Initiatives  
**Housing Alliance of Pennsylvania**  
309 Florence Ave. Suite 914N  
Jenkintown, PA 19046  
[gale@housingalliancepa.org](mailto:gale@housingalliancepa.org)

/s/ Matt Elliott

Matt Elliott  
Executive Director  
**Keystone Energy Efficiency Alliance**  
14 S. 3<sup>rd</sup> Street  
Philadelphia, PA 19106  
[melliott@keealliance.org](mailto:melliott@keealliance.org)

/s/ Todd Nedwick

Todd Nedwick  
Housing & Energy Efficiency Policy Director  
**National Housing Trust**  
1101 30<sup>th</sup> Street NW  
Washington, DC 20007  
[tnedwick@nhtinc.org](mailto:tnedwick@nhtinc.org)  
[www.nhtinc.org](http://www.nhtinc.org)

/s/ Dawone Robinson

Dawone Robinson  
Eastern Regional Co-Director for Energy  
Efficiency for All  
**Natural Resources Defense Council**  
1152 15<sup>th</sup> St NW  
Washington, DC 20005  
[drobinson@nrdc.org](mailto:drobinson@nrdc.org)

/s/ Elizabeth R. Marx

Elizabeth R. Marx, Esq.  
Executive Director  
**Pennsylvania Utility Law Project**  
118 Locust Street  
Harrisburg, PA 17111  
[emarxpulp@palegalaid.net](mailto:emarxpulp@palegalaid.net)

/s/ Rachel Blake

Rachel Blake, Esq.  
Associate Director  
**Regional Housing Legal Services**  
2 South Easton Road  
Glenside, PA 19038  
[rachel.blake@rhls.org](mailto:rachel.blake@rhls.org)