**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Approval of their Act 129 Phase IV : M-2020-3020820

Energy Efficiency and Conservation Plan of : M-2020-3020821

Metropolitan Edison Company, Pennsylvania : M-2020-3020822

Electric Company, Pennsylvania Power Company, : M-2020-3020823

and West Penn Power Company :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

HISTORY OF THE PROCEEDING

On June 18, 2020, the Commission entered an Implementation Order with respect to the Energy Efficiency and Conservation Program at Docket No. M-2020-3015228 (Implementation Order). In the Implementation Order, the Commission adopted a timeline for Phase IV of the Program which called for, *inter alia*, Electric Distribution Companies (EDCs) to file Energy Efficiency and Conservation (EE&C) Phase IV Plans by November 30, 2020, and a Commission ruling on the EE&C Plans in March 2021.

On November 30, 2020, Metropolitan Edison Company (Met Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power) and West Penn Power Company (West Penn) (hereinafter referred to as “the Companies”) filed the above-captioned Joint Petition with the Pennsylvania Public Utility Commission pursuant to Act 129 of 2008 (Act 129), 66 Pa.C.S. §§ 2806.1 and 2806.2 and the Commission’s Implementation Order entered on June 18, 2020 at Docket No. M-2020-3015228, seeking approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan (EE&C Plan). Notice of the filing was published in the *Pennsylvania Bulletin* on January 2, 2021, 51 Pa.B. 116 and on January 9, 2021, 51 Pa.B. 252.[[1]](#footnote-1)

On December 11, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene.

On December 21, 2020, the Office of Consumer Advocate (OCA) filed a Notice of Intervention, Public Statement, and Verification as well as a Notice of Appearance. Also on December 21, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention, Public Statement, and Verification as well as a Notice of Appearance, and the Community Action Associates of Pennsylvania (CAAP) filed a Petition to Intervene.

On December 30, 2020, a Call-In Telephonic Prehearing Conference Notice was served on the parties scheduling a prehearing conference for Tuesday, January 5, 2021. Also on December 30, 2020, a Prehearing Conference Order was issued.

On January 4, 2021, a Joint Petition to Intervene was filed on behalf of the Met-Ed Industrial Users Group (MEIUG), Penelec Industrial Customer Alliance (PICA), and West Penn Power Industrial Intervenors (WPPII).

A prehearing conference was held as scheduled on January 5, 2021. The Companies, OCA, OSBA, CAUSE-PA, CAAP, MEIUG, PICA, and WPPII were represented at the conference. At the outset of the conference, the request to consolidate these four proceedings for hearing was granted. There were no objections to this request. Furthermore, the Petitions to Intervene filed by CAUSE-PA, CAAP, MEIUG, PICA, and WPPII were granted without objection.

On January 5, 2021, the Commission issued a Telephonic Evidentiary Hearing Notice scheduling a hearing for January 22, 2021.

On January 6, 2021, a Judge Addition Notice was issued adding Administrative Law Judge (ALJ) Emily I. DeVoe as an additional ALJ in this consolidated proceeding.

On January 6, 2021, the undersigned issued a Prehearing Order, establishing a litigation schedule, which included a hearing date of January 22, 2021.

On January 8, 2021, Pennsylvania State University (PSU) filed a Petition to Intervene. On January 11, 2021, the Companies filed a letter advising it had no objection to PSU’s Petition to Intervene.

On January 8, 2021, CAUSE-PA, CAAP, OCA, and OSBA filed a Joint Expedited Motion for Extension of Procedural Schedule.[[2]](#footnote-2)

On January 11, 2021, the undersigned issued an Interim Order directing the parties to: 1) file responses, if any, to the Motion by Wednesday, January 13, 2021, and 2) file responses, if any, to the OALJ’s Proposed Revised Schedule detailed in the January 11, 2021 Order by Wednesday, January 13, 2021.

The Companies, CAUSE-PA, OCA, and OSBA timely filed responses to the January 11, 2021 Order.

On January 14, 2021, Chief Administrative Law Judge Charles Rainey (CALJ Rainey) issued an Order Denying the Joint Expedited Motion for Extension of Procedural Schedule. CALJ Rainey’s Order provided that: evidentiary hearings occur on or before February 8, 2021, briefs are to be filed on or before February 18, 2021, reply comments/revised plans are to be filed by March 1, 2021, and the record is to be certified by March 2, 2021.

On January 15, 2021, the undersigned emailed the parties advising that, in light of Chief Rainey’s Order, they were suspending the litigation schedule and cancelling the evidentiary hearing scheduled for January 22, 2021. The email directed the parties to confer regarding a litigation schedule and that the undersigned would meet with the parties at 9:20 a.m. on January 19, 2021 to set a new litigation schedule and hearing date.

A conference was convened on January 19, 2021 at 9:20 a.m.[[3]](#footnote-3) Both the undersigned and all the parties were present. The parties agreed upon a new litigation schedule.

On January 19, 2021, the Commission issued a Notice rescheduling the evidentiary hearing for February 5, 2021 at 10:00 a.m.

On January 21, 2021, comments to the Companies’ Phase IV Plan were filed by the Pennsylvania Coalition of Local Energy Efficiency Contractors.

On January 22, 2021, comments to the Companies’ Phase IV Plan were filed by Daikin U.S. Corporation, Energy Efficiency for All Pennsylvania Coalition,, Coalition of Local Energy Efficiency Contractors, Community Action Committee of the Lehigh Valley, Keystone Energy Efficiency Alliance, and Ceres.

On January 26, 2021, an Interim Order was entered adopting a revised litigation schedule, which included a hearing date of February 5, 2021, and granting PSU’s Petition to Intervene.

On February 5, 2021, the hearing convened as scheduled. The Companies, OCA, OSBA, CAUSE-PA, CAAP, MEIUG, PICA, WPPII, and PSU were represented by counsel. The parties waived cross-examination and their testimonies and exhibits were admitted into the record without objection.

On February 16, 2021, the Companies, OCA, OSBA, CAUSE-PA, CAAP, MEIUG, PICA, WPPII, and PSU filed a Joint Petition for Settlement of All Issues (Settlement). Attached to the Settlement is: Amended Rider F Language as Appendix A; the Companies’ Statement in Support as Appendix B; OCA’s Statement in Support as Appendix C; OSBA’s Statement in Support as Appendix D; CAAP’s Statement in Support as Appendix E; CAUSE-PA’s Statement in Support as Appendix F; and MEIUG, PICA, and WPPII’s Statement in Support as Appendix G. PSU’s signature page to the Settlement and its Statement in Support were filed separately on February 17, 2021. PSU’s Statement in Support is marked as Appendix H to the Settlement.

On March 1, 2021, the Companies filed Reply Comments. Also on March 1, 2021, Reply Comments were filed by MEIUG, PICA and WPPII.

On March 1, 2021, the Companies filed a Revised Phase IV Energy Efficiency and Conservation Plan.

THEREFORE:

IT IS ORDERED THAT THE FOLLOWING DOCUMENTS COMPRISE THE EVIDENTIARY RECORD IN THIS CASE:

1. Metropolitan Edison Company’s Phase IV Energy Efficiency and Conservation Plan filed November 30, 2020, at Docket No. M-2020-3020820.

2. Pennsylvania Electric Company’s Phase IV Energy Efficiency and Conservation Plan filed November 30, 2020, at Docket No. M-2020-3020821.

3. Pennsylvania Power Company’s Phase IV Energy Efficiency and Conservation Plan filed November 30, 2020, at Docket No. M-2020-3020822.

4. West Penn Power Company’s Phase IV Energy Efficiency and Conservation Plan filed November 30, 2020, at Docket No. M-2020-3020823.

5. The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania’s Petition to Intervene filed December 11, 2020.

6. The Office of Consumer Advocate’s Notice of Intervention and Public Statement filed December 21, 2020.

7. The Community Action Association of Pennsylvania’s Petition to Intervene filed December 21, 2020.

8. The Office of Small Business Advocate’s Notice of Intervention, Public Statement, and Verification filed December 21, 2020.

9. The Call-In Telephonic Prehearing Conference Notice issued December 30, 2020.

10. The Prehearing Conference Order issued December 30, 2020.

11. The Joint Petition to Intervene filed by the Met-Ed Industrial Users Group, the Penelec Industrial Consumer Alliance, and the West Penn Power Industrial Intervenors on January 4, 2021.

12. The Telephonic Evidentiary Hearing Notice issued January 5, 2021.

13. The transcript of the Prehearing Conference held January 5, 2021, consisting of pages 1-23.

14. The Judge Addition Notice issued January 6, 2021.

15. The Prehearing Order issued January 6, 2021 .

16. Pennsylvania State University’s Petition to Intervene filed January 8, 2021.

17. Joint Expedited Motion for Extension of Procedural Schedule filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Community Action Associates of Pennsylvania, the Office of Consumer Advocate, and the Office of Small Business Advocate on January 8, 2021.

18. The Interim Order Directing Parties to Respond to Joint Expedited Motion and OALJ’s Proposed Revised Schedule issued January 11, 2021.

19. The Companies’ filing on January 11, 2021 in response to the Petition to Intervene filed by Pennsylvania State University.

20. The Order Denying the Joint Expedited Motion for Extension of Procedural Schedule issued January 14, 2021.

21. The Telephonic Evidentiary Hearing Cancellation/Reschedule Notice issued January 19, 2021.

22. Pennsylvania Coalition of Local Energy Efficiency Contractors’ comments on the Phase IV Energy Efficiency and Conservation Program Plans filed on January 21, 2021.

23. Daikin U.S. Corporation’s comments on the Phase IV Energy Efficiency and Conservation Program Plans filed on January 22, 2021.

24. Energy Efficiency for All Pennsylvania Coalition’s comments on the Phase IV Energy Efficiency and Conservation Program Plans filed on January 22, 2021.

25. Community Action Committee of the Lehigh Valley’s comments on the Phase IV Energy Efficiency and Conservation Program Plans filed on January 22, 2021.

26. Keystone Energy Efficiency Alliance’s comments on the Phase IV Energy Efficiency and Conservation Program Plans filed on January 22, 2021.

27. Ceres’s comments on the Phase IV Energy Efficiency and Conservation Program Plans filed on January 22, 2021.

28. The Interim Order Revising Litigation Schedule, Rescheduling Evidentiary Hearing, and Granting Petition to Intervene issued January 26, 2021.

29. The transcript of the Evidentiary Hearing held February 5, 2021, consisting of pages 1-39.

30. The Interim Order Confirming Admitted Evidence issued February 9, 2021.

31. The Joint Petition for Settlement of All Issues filed by the Companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Community Action Associates of Pennsylvania, the Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, West Penn Power Industrial Intervenors, and Pennsylvania State University on February 16, 2021.

32. Pennsylvania State University’s signature page to the Joint Petition for Settlement of All Issues and its Statement in Support, marked as Appendix G of the Joint Petition for Settlement of All Issues, filed February 17, 2021.

33. The Reply Comments filed by the Companies on March 1, 2021.

34. The Reply Comments filed by the Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, West Penn Power Industrial Intervenors on March 1, 2021.

35. The Companies’ Revised Phase IV Energy Efficiency and Conservation Plans filed on March 1, 2021.

36. The submissions of the Companies, entitled as follows:

1. Companies’ Statement No. 1 Direct Testimony of Kurt E. Turosky
2. Companies’ Statement No. 2 Direct Testimony of Edward C. Miller
3. Companies’ Statement No. 3 Direct Testimony of Anthony J. Woytko
4. Companies’ Statement No. 2-R Rebuttal Testimony of Edward C. Miller
5. Companies’ Statement No. 3-R Rebuttal Testimony of Anthony J. Woytko
6. Companies’ Statement No. 2-R (Supp) Supplemental Rebuttal Testimony of Edward C. Miller
7. Companies’ Statement No. 3-R (Supp) Supplemental Rebuttal Testimony of Anthony J. Woytko
8. Companies’ Exhibits AJW-1 through AJW-5
9. Companies’ Exhibit ECM-1R
10. Companies’ Exhibits AJW-1R through AJW-5R

37. The submissions of the Office of Consumer Advocate, entitled as:

1. OCA Statement No. 1 Direct Testimony of Geoffrey C. Crandall
2. OCA Statement No. 1 (Supp) Supplemental Direct Testimony of Geoffrey C. Crandall
3. OCA Schedules GCC-1 through GCC-4
4. OCA Schedules GCC-Supp-1 and GCC-Supp-2
5. OCA Hearing Exhibit 1, OCA’s answer to FE to OCA Set I, No. 3.

38. The submission of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, entitled as CAUSE-PA Statement No. 1 Direct Testimony of Jim Grevatt and accompanying Attachment A.

39. The submission of the Community Action Association of Pennsylvania, entitled as CAAP Statement No. 1-R Rebuttal Testimony of Susan Moore.

40. The joint submission of the Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, and West Penn Power Industrial Intervenors, entitled as Industrial Users Group Hearing Exhibit 1, FirstEnergy Companies’ Answers to MEIUG/PICA/WPPII to FE Set I, Nos. 5, 10, 15, and 16.

41. The submissions of Pennsylvania State University, entitled as:

1. PSU Statement No. 1 Direct Testimony of James L. Crist
2. PSU Statement No. 1-R Rebuttal Testimony of James L. Crist

Dated: March 2, 2021 /s/

Emily I. DeVoe

Administrative Law Judge

/s/

Mark A. Hoyer

Deputy Chief Administrative Law Judge

**M-2020-3020820, M-2020-3020821, M-2020-3020822, M-2020-3020823 JOINT PETITION FOR CONSOLIDATION AND APPROVAL OF THE ACT 129 PHASE IV ENERGY EFFICIENCY AND CONSERVATION PLAN OF METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY**

*Revised 1/19/21*

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1. It is unclear as to why the notice was republished on January 9, 2021. The notice as published on January 9, 2021, provides that comments and recommendations are to be filed within 20 days, which is January 29, 2021. [↑](#footnote-ref-1)
2. This Motion was also filed at Docket No. M-2020-3020824 (Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan), Docket No. M-2020-3020830 (Petition of PECO Energy Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan), and Docket No. M-2020-3020818 (Petition of Duquesne Light Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan). [↑](#footnote-ref-2)
3. Due to the short period of time between the scheduling of the conference and the conference itself, a court reporter was not scheduled, and the conference was held off the record. The undersigned discussed only procedural matters with the parties. [↑](#footnote-ref-3)