

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held March 2, 2023

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora, Joint Statement, Dissenting
Kathryn L. Zerfuss
John F. Coleman, Jr., Joint Statement, Dissenting

Petition of the Office of Consumer Advocate, the
Office of Small Business Advocate, and the
Pennsylvania Utility Law Project Requesting Initiation
of a Proceeding on Federal Funding Opportunities for
Utilities Under the Infrastructure Investment and Jobs
Act

P-2022-3032929

ORDER

BY THE COMMISSION:

On June 10, 2022, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Utility Law Project (collectively, Petitioners) filed a Petition with the Pennsylvania Public Utility Commission (Commission), pursuant to 52 Pa. Code § 5.41, requesting that the Commission initiate a proceeding to require utilities and allow interested parties to file reports and comments to the Commission related to federal programs and funding available to Pennsylvania utilities under the federal Infrastructure Investment and Jobs Act¹ (Petition).

The Petitioners initially served the Petition on the Commission's Bureau of Investigation and Enforcement (BI&E), The Energy Association of Pennsylvania (EAP),

¹ Pub. L. No. 117-58, 135 Stat. 429 (2021) (IIJA).

the Pennsylvania Telephone Association (PTA), and The York Water Company (York Water). On June 23, 2022, the Secretary of the Commission issued a Secretarial Letter further serving the Petition on all Pennsylvania jurisdictional fixed utilities, and setting July 25, 2022, as the deadline for responsive pleadings.

The following entities filed answers to the Petition: Citizens' Electric Company (Citizens); Duquesne Light Company (DLC); EAP; West Penn Power Company, Metropolitan Edison Company, Pennsylvania Power Company, and Pennsylvania Electric Company (collectively, FirstEnergy); National Association of Water Companies – Pennsylvania Chapter (NAWC)²; PPL Electric Utilities Corporation (PPL); PECO Energy Company (PECO); UGI Utilities, Inc. – Electric Division and Gas Division (collectively, UGI); Valley Energy (Valley); Verizon; and Wellsboro Electric Company (Wellsboro). The following entities filed letters in lieu of answers to the Petition: Advanced Energy Economy (AEE); Keystone Energy Efficiency Alliance, Conservation Voters of Pennsylvania, Keystone Research Center, League of Women Voters Pennsylvania, Natural Resources Defense Council, Pennsylvania Solar Center, The Philadelphia Solar Energy Association, Pennsylvania Solar & Storage Industries Association, Sustainable Pittsburgh, and Vote Solar (collectively, KEEA et al.); and the PTA.

Background

The Federal Infrastructure Investment and Jobs Act

The IIJA was enacted on November 15, 2021, and provides for the availability of substantial federal funds for investment in utility infrastructure. Some of the programs authorized by the IIJA implicate public utilities, including:

² The members of NAWC are: Aqua Pennsylvania, Inc., Columbia Water Company, Newtown Artesian Water Company, Pennsylvania-American Water Company, York Water, and Veolia Water Pennsylvania, Inc. (f/k/a SUEZ Water Pennsylvania Inc.). In addition to water operations, several NAWC members operate Commission-regulated wastewater systems. NAWC Answer at 2, n. 1.

- Grants to assist entities in carrying out efforts to harden the electricity grid, reduce risks of power lines causing wildfires, and reduce the likelihood and consequences of disruptive events, including those caused by weather or natural disaster.³
- A program to encourage innovative approaches to transmission, storage, and distribution infrastructure to improve resilience and reliability, and to encourage new approaches to enhance regional grid resilience.⁴
- A Transmission Facilitation Program under which eligible transmission owners can receive loans from the Department of Energy (DOE) for new or replacement transmission lines or upgrades of existing lines.⁵
- An expansion of the Smart Grid Investment Matching Grant Program established by Section 1306(a) of the Energy Independence and Security Act of 2007, which allows for investment in technology to enhance grid flexibility.⁶
- Grants and technical assistance to enable small and rural electric utilities to deploy advanced cybersecurity technologies.⁷
- Grants to provide assistance to small and disadvantaged community water systems to purchase point-of-entry or point-of-use filters and filtration systems; or make investments necessary for providing information regarding use and

³ IIJA § 40101.

⁴ IIJA § 40103.

⁵ IIJA § 40106.

⁶ IIJA § 40107.

⁷ IIJA § 40124.

maintenance of these devices, as well as options for replacing lead service lines or removing other lead sources.⁸

- Grants pursuant to a newly-established Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program to enable these systems to improve resilience to natural hazards and extreme weather events as well as address cybersecurity vulnerabilities.⁹
- Grants for rural and Low-Income Water Assistance Pilot programs to maintain access to drinking water and wastewater treatment.¹⁰

Funding for these programs is appropriated through various mechanisms and each has specific application and project requirements. Program funding is ordinarily available until expended.

The Petition

The Petitioners assert that the Commission has the authority and responsibility to supervise and regulate all public utilities doing business within the Commonwealth and to see that the operation of those public utilities is in the public interest. Petition at 3. Accordingly, the Petitioners believe it is in the public interest for the Commonwealth's utilities to actively explore and consider pursuing the funds and programs available under the IIJA. *Id.* The Petitioners emphasize that these programs aim to expand access to clean energy, improve grid resilience and security, support innovation in energy technology, and advance improvements in water infrastructure, all of which would significantly benefit Pennsylvania residents and utility customers. *Id.*

⁸ IIJA § 50104.

⁹ IIJA § 50107.

¹⁰ IIJA § 50109.

The Petitioners also believe that it is in the public interest to foster cooperation among the Commission, utilities, and other stakeholders to ensure that the process for pursuing and obtaining federal funds is as effective as possible. *Id.* Therefore, in addition to the Commission and affected utilities, the Petitioners support the Commission seeking input from and coordination with interested stakeholders to ensure the programs are best utilized for the public's interest. *Id.* at 4. The Petitioners suggest that a formal Commission proceeding focused on the IIJA and the funding opportunities it presents for the Commonwealth's public utilities will provide a locus for coordination by utilities, state agencies, and local governments of requests for competitive grants that will enhance the prospects of approval by the relevant federal agencies. *Id.* Noting that the North Carolina Utilities Commission has created a docket establishing a collaborative process for considering reasonable actions that North Carolina utilities should take to access federal funds available under the IIJA,¹¹ the Petitioners encourage the Commission to open its own docket into these matters. *Id.*

The Petitioners assert that opening such a docket would also help ensure that other Pennsylvania state agencies would have information on what the Commonwealth's utilities are doing with regard to seeking and accessing funds under the IIJA. *Id.* Given the potential impact that the IIJA could have on expanding clean energy, improving grid resiliency, and providing for the safe and efficient delivery of electricity and water in the Commonwealth, the Petitioners believe that the Commission should ensure that utilities take advantage of every reasonable opportunity to pursue the IIJA funding available to them. *Id.* at 5.

Therefore, the Petitioners request that the Commission initiate a proceeding requiring utilities to file regular reports documenting their efforts – past, current, and

¹¹ See, e.g., Order Allowing Comments Regarding Federal Funding for Utility Service in North Carolina, North Carolina Utilities Commission, Docket No. M-100 Sub 164 (Feb. 1, 2022) (“finding good cause to allow interested parties to file written comments” regarding the identification of federal programs under the IIJA and reasonable actions for North Carolina utilities to take to access funds).

future – to obtain IIJA funding, the purposes for which they are seeking funding, and the status of any applications, and conditions that must be met to obtain funding. *Id.* The Petitioners further request that the Commission allow utilities and other interested parties to file written comments regarding the following:

1. Identification of all possible programs under the IIJA available to Commission-regulated utilities;
2. Recommendations for actions utilities should take with respect to identified programs; and
3. Recommendations for actions the Commission should take to facilitate the application, receipt, and deployment of available federal funds.

Id.

Comments

AEE and KEEA et al. urged the Commission to authorize a process that would result in long-term guidance and openness on utility IIJA programs as described in the Petition. AEE Letter at 2, KEEA *et al.* Letter at 2. AEE and KEEA *et al.* further noted that such a process would send a strong signal to the federal government that the Commonwealth is ready to use the funding and viewed as a viable candidate for the competitive grant funding. AEE Letter at 2, KEEA *et al.* Letter at 1.

Citizens, DLC, EAP, FirstEnergy, NAWC, PPL, PTA, UGI, Valley, Verizon, and Wellsboro generally opposed the Petition and requested that it be denied, primarily for the following reasons:¹²

¹² PTA and Verizon asserted that the Pennsylvania Broadband Development Authority (PBDA), which was established by the Pennsylvania General Assembly by Act 96 of 2021, is the independent agency charged with administering Federal and State funds allocated for the purposes of expanding broadband services in Pennsylvania, and that PBDA will be developing a Statewide broadband plan, as well as

The Commission May Not Act as a Super Board of Directors

Some parties asserted that the Petitioners' requested reporting requirements and opportunity for public comment would impermissibly place the Commission in the role of a "super board of directors" regarding utilities' decisions to pursue certain funding programs and the capital projects, in contravention of well-established Court precedent. Citizens Answer at 2, EAP Answer at 3, PPL Answer at 5-6.

Taking IIJA Funding Requirements into Consideration

Some parties cautioned that IIJA funding opportunities may impose obligations on grant recipients, such as requiring specific construction timeframes, the use of prevailing wage or unionized contractors, domestically-sourced construction materials and other requirements that would make the opportunity difficult for smaller utilities. Parties also noted that grant applicants may also be required to contribute a portion of the project funding, which could divert financial resources from other priorities. Parties asserted that these factors are taken into consideration and weighed by the utility's management, using its managerial discretion, prior to seeking a grant. Citizens Answer at 3, PECO Answer at 3-4.

Efficient Use of Utility Resources in Grant Application Process

Several parties asserted that utilities currently monitor and pursue state and federal funding without issue, and that the Petitioners' proposed reporting requirements and

establishing and administering criteria for the (sub)grant applications. Accordingly, these parties do not believe it is necessary or legally permissible for any potential Commission proceeding to encompass broadband deployment. PTA Letter at 1-2, Verizon Answer at 1-2.

responding to public comments scrutinizing utilities' decisions to not pursue certain funding opportunities will require diversion of already limited public utility resources and risk delays and missing deadlines in the grant application process. Instead, utilities should be permitted to continue using managerial discretion to determine which grants to pursue. Citizens Answer at 3-4, DLC Answer at 4, EAP Answer at 4, FirstEnergy Answer at 3-4, NAWC Answer at 3-4, PECO Answer at 6-7, PPL Answer at 7-8, UGI Answer at 6-8.

Protecting Pennsylvania Utilities' Competitive Advantage in IIJA Grant Process

Several parties noted that the public nature of a formal docket poses an additional risk. Specifically, because reports filed as part of the proposed proceeding would be available for public consumption, utilities outside of the Commonwealth would have an opportunity to review and usurp the ideas of Pennsylvania utilities for their own grant applications, which could decrease the probability of Pennsylvania utilities being successful in the competitive funding process. As such, public proceedings, in this context, could have serious negative impacts that would be felt most by Pennsylvania communities and businesses. EAP Answer at 3, FirstEnergy Answer at 4, NAWC Answer at 4, PECO Answer at 7, PPL Answer at 6-7, UGI Answer at 7, Verizon Answer at 2.

Discussion

The procedures for a petition filed under Section 5.41 of the Commission's regulations are, in pertinent part:

§ 5.41. Petitions generally.

- (a) *General requirements.* Petitions for relief under the act or other statute that the Commission administers, must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and law relied upon, and the relief sought.

52 Pa. Code § 5.43(a).

Disposition of the Petition

The Petitioners seek the initiation of a Commission proceeding to require utilities to file reports and allow interested parties to file comments to the Commission related to federal programs and funding available to Pennsylvania utilities under the IIJA. For the reasons stated below, we will grant, in part, and deny, in part, the Petition.

While the Petitioners do not specifically state that they intend to use these requested reports to hold regulated utilities accountable for not seeking IIJA funding, we agree with PPL that the Petition “would open the door to the Commission and stakeholders actively monitoring and recommending which IIJA grants a public utility should target.” PPL Answer at 5.

It is well-established that the Commission “is not empowered to act as a super board of directors for the public utility companies of this state.” *Met. Edison Co. v. Pa. PUC*, 437 A.2d 76, 80 (Pa. Cmwlth. 1981) (*Met-Ed*). The Pennsylvania Supreme Court has long held that a utility “manages its own affairs to the fullest extent consistent with the protection of the public’s interest, and only as to such matters is the commission authorized to intervene, and then only for the special purposes mentioned in the act.” *Coplay Cement Mfg. Co. v. Pub. Serv. Comm’n*, 114 A. 649, 650 (Pa. 1921).

To the extent that the Petitioners assert that the Commission should ensure that regulated utilities use IIJA funding opportunities to benefit customers of the Commonwealth’s regulated utilities, such decisions are not within the Commission’s purview. In reaching this conclusion, we find our prior decision in *Joint Application of*

Verizon Communications Inc., and MCI, Inc., MCIMetro Access Transmission Services LLC MCI WorldCom Communications, Inc., MCI WorldCom Network Services, Inc., TTI National Inc., Teleconnect Long Distance Services and System Co. d/b/a Telecom USA for approval of Agreement and Plan of Merger (Verizon MCI), Docket Nos. A 310580F0009; A-310752F0006; A-310364F0003; A-312025F0005; A-310407F0003; A-310401F0006 (Initial Decision issued November 15, 2005, adopted by Opinion and Order entered January 11, 2006) to be instructive. In *Verizon MCI*, the Commission, citing *Met-Ed*, declined to require Verizon, the acquiring utility, to commit to maintaining existing levels of employment for MCI, the utility being acquired.¹³ In doing so, the Commission held that:

[a]bsent a showing of abuse of discretion or arbitrary action by the public utility, the Commission lacks authority to interfere with the general management decisions of the public utility. The Commission was created to ensure that public utilities furnish and maintain adequate, efficient, safe, and reasonable service and facilities at just and reasonable rates. 66 Pa.C.S. §§ 1301, 1501. The management decisions required to achieve reasonable rates and service are generally left to the public utility.

Verizon MCI Initial Decision at 46.

We find that a utility's decision on whether to pursue IIJA funding as raised in the instant Petition is similar to the question of whether the Commission may require a utility to have a certain number of employees in *Verizon MCI*. As pointed out by several parties in their Answers to the Petition, there may be legitimate business reasons for a utility to decline to apply for IIJA funding. For example, several provisions of the IIJA may

¹³ Verizon and MCI, as joint applicants to the *Verizon MCI* merger proceeding, presented testimony that "it is anticipated that the post-transaction company will reduce headcount in those areas in which the company is able to provide shared services more efficiently -- i.e., areas such as finance, legal, and human resources. It is also anticipated that headcount reductions will be possible in the management of functional areas that provide opportunities for synergies - i.e., enterprise markets, mass markets, international and wholesale operations, and information technology. There has been no suggestion that the transaction will result in service-affecting reductions in headcount." *Verizon MCI* Initial Decision at 45 (emphasis in original).

require that applicants provide matching funds and/or procurement requirements which utilities could determine to be a barrier to applying for those opportunities as those costs are not guaranteed to be recovered through base rates.¹⁴ Further, a utility might find that its existing programs and funding levels adequately address needs identified in IIJA funding opportunities and therefore the additional cost of committing the resources to seek IIJA funding is not warranted.

Finally, we acknowledge concerns indicating that a utility may not wish to publicly disclose that it is pursuing IIJA funding outside of a rate case proceeding before the Commission due to the potential impact such disclosure might have on its competitive position by allowing competing utilities to view and co-opt ideas and proposals articulated in their grant applications. Accordingly, the Commission cannot compel its regulated utilities to effectively publicize their business decisions by granting the Petitioners' request for public reporting and comment on their respective IIJA funding efforts.¹⁵

We therefore agree that the initiation of a formal proceeding that would require utilities to file reports at the Commission related to their efforts to apply for federal funds available under the IIJA and provide a comment process for interested parties concerning utilities' IIJA grant application plans lacks merit in the instance. It would not be in the public interest to require utilities to disclose, in advance of application approval, details

¹⁴ For example, the IIJA funding opportunities for electric utilities and state regulatory commissions through the DOE require recipient matching funding from 100% to 33.3% of the awarded funds. See here:

<https://www.fedconnect.net/FedConnect/default.aspx?ReturnUrl=%2ffedconnect%2f%3fdoc%3dDE-FOA-0002740%26agency%3dDOE&doc=DE-FOA-0002740&agency=DOE>, and here:

<https://www.fedconnect.net/FedConnect/default.aspx?ReturnUrl=%2ffedconnect%2f%3fdoc%3dDE-FOA-0002736%26agency%3dDOE&doc=DE-FOA-0002736&agency=DOE>. IIJA funding opportunities for water and wastewater utilities through PENNVEST may also be in the form of loans that require repayment, although it appears that there is more opportunity for grant funding and principal forgiveness through those programs. See here: <https://www.pennvest.pa.gov/Information/Funding-Programs/Pages/IIJA.aspx>.

¹⁵ We also note that the costs of such reporting would ultimately be passed on to utility ratepayers.

concerning their pursuit of IIJA funding. It would not be prudent to require public utilities to reveal proprietary information in the context of a formal proceeding, which could jeopardize their ability to receive funding.

However, due to the potentially substantial amount of funding available to utilities under the IIJA, we believe that it is in the public interest to require jurisdictional fixed public utilities to file simple periodic reports identifying the full amount of all public grants monies that have been received pursuant to the IIJA in the preceding calendar year, the date the funds were received, and the program(s) in which the funding is associated.¹⁶ Pursuant to Section 504 of the Public Utility Code, the Commission is empowered to require public utilities to file periodic reports concerning matters in which the Commission is authorized to inquire or enforce, or to keep itself informed.¹⁷ Moreover, as the Commission has an ongoing duty to protect the public from unjust and unreasonable rates,¹⁸ jurisdictional fixed public utilities that accept monies derived from IIJA grants should be directed to provide testimony as to the accounting treatment of the grant money in rate case proceedings filed before the Commission. The periodic reporting and funding disclosure in rate case filings ensure that the Commission is aware of the amount of grant monies received, the purposes for which the funds will be used, and that the grant monies will be accounted for in rate proceedings.

Commission IIJA Outreach Efforts

The Commission recognizes the potential value of the funding opportunities available to regulated utilities in the IIJA. With this in mind, Commission staff have engaged in direct communication with and participated in informational meetings that included the DOE, The Pennsylvania Department of Environmental Protection's (DEP) Energy Office, PENNVEST, regulated utilities, and interested stakeholders concerning

¹⁶ 66 Pa.C.S. § 504 (related to Reports by public utilities).

¹⁷ *Id.*

¹⁸ 66 Pa.C.S. § 1301; *Met. Edison Co.*, 437 A.2d at 80.

potential funding opportunities related to the IIJA. We note that in one particular circumstance, Commission staff in the Bureau of Technical Utility Services (TUS) continue to work with the DEP Energy Office on DOE IIJA funding opportunity 40101(d),¹⁹ in which applicants must apply through the DEP Energy Office for the funds.

Detailed descriptions of Commission staff outreach and engagement regarding the IIJA with regulated water, wastewater, electric distribution companies (EDCs), DEP Energy Office and PENNVEST are noted, below.

Commission IIJA Outreach with Regulated Water/Wastewater Utilities:

We note here that staff in our TUS Water/Wastewater Section and our Law Bureau (LAW) have always been accommodating to utilities that have questions about available funding resources either through rate mechanisms or PENNVEST. The Commission is also very cognizant of the burden on small water and wastewater utilities if they were to undertake all the requirements as requested by the Petitioners. The Commission has also been actively engaged with DEP, PENNVEST, and other stakeholders through its Small Water Company Task Force (SWCTF) on how to best provide outreach and education on the IIJA and other funding opportunities to small water and wastewater utilities. Most recently at the January 19, 2023, SWCTF meeting, the Commission, DEP and PENNVEST discussed increasing outreach to all smaller water utilities on available technical assistance and funding. The Commission plans to continue this education and coordination effort through the SWCTF and other methods, such as providing information on its website. Thus, the request of NAWC for the Commission to sponsor educational sessions may be redundant. NAWC Answer at 4.

Other specific outreach efforts of note include:

¹⁹ This funding opportunity is entitled “Preventing Outages and Enhancing the Resilience of the Electric Grid” and provides formula grants to all U.S. states and Indian Tribes.

The Commission's Bureau of Technical Utility Services (TUS), through its SWCTF meeting on September 29, 2022, promoted and discussed IIJA funding opportunities with regulatory partners that include PENNVEST, DEP's Bureau of Safe Drinking Water, and the United States Environmental Protection Agency.²⁰

Via Secretarial Letter issued on October 31, 2022,²¹ TUS, *inter alia*, notified all Commission regulated water and wastewater utilities of available IIJA funding sources through PENNVEST.²²

At the January 19, 2023 SWCTF meeting, there was continuing discussion on promotion and education on IIJA and other funding opportunities. Planning for follow-up activities was discussed.

Commission, DEP and DOE IIJA Outreach with Regulated Electric Utilities and other Stakeholders:

As noted above, the Commission has been actively engaged with the DEP Energy Office on IIJA funding opportunities through the DOE. Staff in TUS and LAW continue to discuss the IIJA funding opportunities internally and with the DEP Energy Office, EAP, and EDCs. We believe that the EDCs are well aware of the opportunities and challenges of the IIJA funding pathways. Specific outreach of note in this regard includes:

²⁰ The proposed water and wastewater projects would be managed by PENNVEST. However, Water Section staff within TUS are readily available to provide support, answer questions, and, where appropriate, refer any interested regulated water utilities to PENNVEST for possible funding through the IIJA.

²¹ See Docket L-2020-3019521.

²² <https://www.pennvest.pa.gov/Information/Funding-Programs/Pages/IIJA.aspx>.

The DEP Energy Office conducted a meeting with the Pennsylvania Municipal Electric Association and TUS staff on August 8, 2022, to discuss and promote the IIJA 40101(d) funding opportunities.

The DEP Energy Office, OCA, and TUS staff held a meeting on August 10, 2022, to discuss the IIJA 40101(d) opportunities and any questions OCA had on the funding.

The DEP Energy Office conducted a meeting with DLC and TUS staff on August 11, 2022, to discuss and promote the IIJA 40101(d), and any questions OCA had on the funding.

The Pennsylvania Utility Law Project (PULP) held a IIJA Resiliency Briefing for Frontline Community Groups on August 25, 2022, to allow the DEP Energy Office and TUS staff to discuss and promote the IIJA 40101(d) funding opportunities and answers questions about the funding.

The PUC participated in an IIJA Grid Resiliency Public Meeting facilitated by the DEP Energy Office on August 31, 2022, with EDCs and other potential grant applicants invited. A question-and-answer session followed the presentation for the attendees to ask direct questions about the funding.

TUS met with the EAP and EDCs on October 19, 2022, at the EAP Electric Operations Committee Fall Meetings. Among other topics discussed, TUS noted the IIJA funding opportunities for EDCs. The EAP is also actively engaged with the DEP Energy Office concerning IIJA funding opportunities.

The DOE conducted an informational webinar on November 29, 2022, regarding the IIJA Grid Resilience Innovation Partnership Program (GRIP) funding opportunities.

Staff from TUS and LAW met with the DOE Energy Office, EAP and EDCs on December 20, 2022, to discuss the IIJA GRIP funding opportunities.

The Commission appreciates the Petitioners' well-meaning efforts to facilitate effective deployment of IIJA funding in order to benefit regulated utility customers in the Commonwealth. However, taking into consideration the limitations on the Commission's authority to micro-manage the business decisions of regulated utilities, the potentially significant burdens for utilities to undertake all the requirements as requested by the Petitioners, and given the significant outreach efforts undertaken by the Commission and other State and Federal agencies to apprise prospective applicants within the Commonwealth's regulated utility community of IIJA funding opportunities, we decline to grant the instant Petition in its entirety; **THEREFORE,**

IT IS ORDERED:

1. That the Petition filed by the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Utility Law Project is granted, in part, and denied, in part.

2. That if a fixed public utility subject to the jurisdiction of the Pennsylvania Public Utility Commission receives any funding deriving from the federal Infrastructure Investment and Jobs Act, the utility shall file a report pursuant to 66 Pa.C.S. § 504 by April 30 of each year to Docket No. P-2022-3032929, indicating the amount and date of the funding received during the preceding calendar year , and identifying the program(s) for which the funding is associated. The reporting requirement shall commence in 2023 and expire on May 1, 2027.


3. That if a fixed public utility subject to the jurisdiction of the Pennsylvania Public Utility Commission receives funding deriving from the federal Infrastructure

Investment and Jobs Act, the utility shall provide testimony as to the accounting treatment of the grant money in any filing relating to a voluntary change in rates, pursuant to 66 Pa.C.S. § 1308.

4. That this Opinion and Order be served on all Pennsylvania jurisdictional fixed utilities, the Energy Association of Pennsylvania, the Pennsylvania Telephone Association, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Utility Law Project, the Commission's Bureau of Investigation and Enforcement and the following parties: Advanced Energy Economy, Conservation Voters of Pennsylvania, Keystone Energy Efficiency Alliance, Keystone Research Center, League of Women Voters Pennsylvania, Natural Resources Defense Council, Pennsylvania Solar Center, The Philadelphia Solar Energy Association, Pennsylvania Solar & Storage Industries Association, Sustainable Pittsburgh, and Vote Solar.

5. That the proceeding at Docket No. P-2022-3032929 remain open until all Pennsylvania jurisdictional fixed utilities file the reports set forth in Ordering Paragraph 2.

BY THE COMMISSION


Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: March 2, 2023

ORDER ENTERED: March 21, 2023