

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held July 11, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Letter Petition of the West Penn Power Sustainable
Energy Fund for Approval of Revisions to the By-
Laws that Govern its Operation

Docket Number:
M-2023-3041569

ORDER

BY THE COMMISSION:

On November 19, 1998, at Docket No. R-00973981, the Commission approved the Joint Petition for Full Settlement of the restructuring proceeding filed by West Penn Power Company (West Penn Power) to comply with the requirements of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§2801-2812. *Application of West Penn Power Company for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code*, Docket No. R-00973981 (Order entered November 19, 1998). Among the provisions of the approved settlement was the establishment of a Sustainable Energy Fund to promote (1) the development and use of renewable energy and clean energy technologies, (2) energy conservation and efficiency and (3) renewable business initiatives and projects in the West Penn Power service territory.

On June 4, 1999, the Commission approved the Board of Directors of the West Penn Power Sustainable Energy Fund (WPPSEF). *Re Sustainable Energy Funds*, Docket No. R-00973981 (Order entered June 4, 1999). On June 2, 2000, the Commission approved the WPPSEF Bylaws. *West Penn Power Sustainable Energy Fund Bylaws*, Docket No. R-00973981 (Order entered June 2, 2000). The approval of the Bylaws allowed the WPPSEF to begin operations to promote the development of and use of renewable and clean energy technologies in Pennsylvania. The Commission approved amendments to the WPPSEF Bylaws in an Order entered January 26, 2017, at Docket No. M-00031715F0005.

On March 19, 2024, the WPPSEF filed a Petition for Commission approval for further amendments to the WPPSEF Bylaws.¹ The WPPSEF Board of Directors approved resolutions adopting Articles of Amendment for a change in the name of the WPPSEF and amendments to the Bylaws at its meeting on March 18, 2024. The Petition seeks approval of the Articles of Amendment² and the Bylaws.

The WPPSEF's resolution provides that the WPPSEF intends to change its name to the "West Penn Energy Fund." The resolution states that, upon approval of the Articles of Amendment by the Commission,³ the WPPSEF's officers will file the Articles of Amendment with the Pennsylvania Department of State and take all necessary action to effectuate the name change. The resolution also provides that the WPPSEF approved amendments to its Bylaws to reflect the new name conditioned upon Commission

¹ On May 21, 2024, the WPPSEF served the Petition on the Pennsylvania Office of Consumer Advocate, the Pennsylvania Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, and West Penn Power Company. No answers to the Petition were filed.

² Section IX of the existing, Commission-approved WPPSEF Bylaws provides that "Amended Articles of Incorporation and Bylaws must be submitted and approved by the Commission." We clarify for purposes of this Order that, while the Commission may approve of the WPPSEF's intention to file Articles of Amendment, the Commission is not authorized to approve the Articles of Amendment themselves, which must be filed with the Pennsylvania Department of State. The WPPSEF's resolution and the amendments to the Preamble of the WPPSEF Bylaws acknowledge that the Articles of Amendment will be filed with the Pennsylvania Department of State.

³ *Supra*, n. 2.

approval and the acceptance of the Articles of Amendment by the Department of State. The Bylaw amendments are summarized below.

First, the title of the Bylaws was updated to reflect the name change of the WPPSEF to the “West Penn Energy Fund.” Next, the Preamble was altered to reflect the new name. The Preamble was also modified to note the 2017 amendments to the Bylaws and the Board’s adoption of Articles of Amendment to change the name of the WPPSEF upon approval by the Public Utility Commission and the filing of the Articles of Amendment with the Department of State. This portion of the Preamble replaces an existing summary of past action, which is being eliminated from the last page of the Bylaws. The Bylaws were also revised to correct typographical errors.

Based on a review of all relevant information, the Commission finds the WPPSEF’s intention to change its name and the modifications to the WPPSEF’s Bylaws to be reasonable and appropriate. The WPPSEF’s Petition and Bylaws, as amended, are hereby approved consistent with this Order;

THEREFORE,

IT IS ORDERED:

1. That the Petition of the West Penn Power Sustainable Energy Fund is approved consistent with this Order.
2. That a copy of this Order be served on the West Penn Power Sustainable Energy Fund, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

3. That this proceeding, at Docket No. M-2023-3041569, be closed.

BY THE COMMISSION,


Rosemary Chivetta
Secretary

(SEAL)

ORDER ADOPTED: July 11, 2024

ORDER ENTERED: July 11, 2024