

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

Public Meeting held March 27, 2025

Commissioners Present:

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

Petition of PPL Electric Utilities Corporation for
Approval of a Minor Change to its Act 129 Phase IV
Energy Efficiency and Conservation Plan

M-2020-3020824

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Petition for Reconsideration of Staff Action (Petition), filed by PPL Electric Utilities Corporation (PPL or the Company) on December 9, 2024, relative to the above-captioned proceeding. The Staff Action for which reconsideration is sought is a Secretarial Letter issued on November 18, 2024 (*November 2024 Secretarial Letter*), which denied PPL's Petition for Approval of a Minor Change to its Act 129 Phase IV Energy Efficiency and Conservation (EE&C) Plan (September 2024 Plan Modification), which the Company filed on September 19, 2024. No comments to the proposed minor EE&C Plan change described in the September 2024 Plan

Modification were filed. For the reasons set forth herein, we will grant the Petition, rescind the *November 2024 Secretarial Letter*, and approve the September 2024 Plan Modification, consistent with the discussion in this Opinion and Order.

I. Background and Procedural History

On October 15, 2008, Act 129 of 2008 (Act 129 or Act) was signed into law with an effective date of November 14, 2008. Among other requirements, Act 129 directed the Commission to adopt an EE&C Program, under which each of the Commonwealth's largest electric distribution companies (EDCs) was required to implement a cost-effective EE&C plan to reduce energy consumption and demand. Specifically, Act 129 required each EDC with at least 100,000 customers to adopt an EE&C plan to reduce energy demand and consumption within its service territory. Initially, Act 129 required each affected EDC to adopt an EE&C plan to reduce electric consumption by at least 1% of its expected consumption for June 1, 2009 through May 31, 2010, by May 31, 2011. The Act also required the Commission to develop and adopt an EE&C Program by January 15, 2009, and to set out specific issues the EE&C Program must address. 66 Pa.C.S. § 2806.1(a).

On January 15, 2009, the Commission adopted an Implementation Order at Docket No. M-2008-2069887 (*Phase I Implementation Order*), which established the standards each plan was to meet, and which provided guidance on the procedures to be followed for submittal, review, and approval of all aspects of the EE&C plans. The Commission subsequently approved an EE&C plan (and, in some cases, modifications to the plan) for each affected EDC.

Another requirement of Act 129 directed the Commission to evaluate the costs and benefits of the Commission's EE&C Program and of the EDCs' approved EE&C plans by November 30, 2013, and every five years thereafter. The Act provided

that the Commission must adopt additional incremental reductions in consumption and peak demand if it determines that the benefits of the EE&C Program exceed its costs.

Consistent with the above, on August 3, 2012, the Commission issued an Implementation Order at Docket Nos. M-2012-2289411 and M-2008-2069887 (*Phase II Implementation Order*), which established required standards for Phase II EDC EE&C plans (including the additional incremental reductions in consumption that each EDC must meet) and provided guidance on the procedures to be followed for submittal, review, and approval of all aspects of the EDCs' Phase II EE&C plans. Within the *Phase II Implementation Order*, the Commission tentatively adopted EDC-specific consumption reduction targets to be met by May 31, 2016. The Commission subsequently approved a Phase II EE&C Plan (and, in some cases, modifications to the plan) for each affected EDC.

The Commission also subsequently issued an Implementation Order on June 19, 2015, at Docket No. M-2014-2424864 (*Phase III Implementation Order*) for Phase III of the EE&C Program. The Commission determined in its *Phase III Implementation Order* that additional reductions in consumption and peak demand were cost-effective and, therefore, prescribed reductions in consumption and peak demand targets to be met by May 31, 2021. The Commission subsequently approved a Phase III EE&C Plan (and, in some cases, modifications to the plan) for each affected EDC.

On June 18, 2020, the Commission adopted its *Phase IV Implementation Order*,¹ establishing the required incremental reductions in consumption and peak demand, and standards that each Phase IV plan must meet, and providing guidance on the procedures to be followed for submittal, review, and approval of all aspects of

¹ See *Energy Efficiency and Conservation Program Implementation Order*, at Docket No. M-2020-3015228 (Order entered June 18, 2020) (*Phase IV Implementation Order*).

EE&C plans for the period from June 1, 2021, through May 31, 2026. The *Phase IV Implementation Order* directed EDCs to file Phase IV EE&C plans by November 30, 2020.

On November 30, 2020, PPL timely filed a petition requesting approval of its Act 129 Phase IV EE&C Plan (Phase IV Plan) at the above-captioned docket. PPL's Phase IV Plan included a broad portfolio of energy efficiency and energy education programs and initiatives designed to meet the goals established by Act 129 of 2008, 66 Pa.C.S. §§ 2806.1 and 2806.2, and the Commission's *Phase IV Implementation Order*, as well as other important policy goals and objectives.

On February 26, 2021, PPL, the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Commission for Economic Opportunity (CEO), the Natural Resources Defense Council (NRDC), the PPL Industrial Customer Alliance (PPLICA) and the Sustainable Energy Fund of Central Eastern Pennsylvania (SEF) (collectively, the Settling Parties) submitted a Joint Petition for Approval of Partial Settlement (2021 Partial Settlement).²

By Order Certifying the Record in the Phase IV Plan proceeding, dated March 2, 2021, Administrative Law Judges (ALJs) Mark A. Hoyer and Emily I. DeVoe provided a history of the investigation into PPL's Phase IV Plan; delineated the transcripts, statements, exhibits, and briefs admitted into the record; and certified the

² The 2021 Partial Settlement resolved all issues, except for PPLICA's proposal to reduce PPL's peak demand reduction compliance target, which was subsequently briefed by the Settling Parties and resolved by the Commission. *See Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan*, Docket No. M-2020-3020824 (Order entered March 25, 2021) (*March 2021 Order*).

record to the Commission for consideration and disposition, in accordance with the *Phase IV Implementation Order*.

On March 25, 2021, the Commission entered an Opinion and Order in the Phase IV Plan proceeding, which: (1) granted the Joint Petition for Partial Settlement, thereby approving the 2021 Partial Settlement, without modification; and (2) approved PPL's Phase IV Plan, as modified by the terms of the 2021 Partial Settlement.

See March 2021 Order.

On May 24, 2021, PPL filed its Revised Phase IV Plan in compliance with the *March 2021 Order*.

On December 30, 2022, PPL filed a petition requesting permission to modify its Phase IV Plan (2023 Plan Modification). Specifically, in its 2023 Plan Modification, the Company requested approval of eleven (11) modifications, consisting of both "minor" and "major" changes, as defined in the Commission's expedited review process, as set forth in *Energy Efficiency and Conservation Program*, Docket No. M-2008-2069887 (Order entered June 10, 2011) (*Minor Plan Change Order*). PPL requested that the Commission review and approve all of the proposed modifications set forth in its 2023 Plan Modification pursuant to the "major" change process, which provides parties with thirty (30) days to file comments, an answer, or both, and twenty (20) days to file replies.

The OSBA and CAUSE-PA both filed an Answer to the 2023 Plan Modification on January 19, 2023³ and January 30, 2023, respectively. On January 30, 2023, CAUSE-PA filed Comments to the 2023 Plan Modification. Also on

³ The OSBA filed an Amended Answer and Verification to the 2023 Plan Modification on January 26, 2023.

January 30, 2023, PPLICA filed a Letter in Lieu of Comments with the Commission requesting that “the Commission take all reasonable steps to review the proposed budget reallocation within the requisite timeframe to ensure that PPL reflects the adjusted sector budgets in the public filing of its June 1, 2023, ACR [Act 129 Compliance Rider] rate adjustment.”

On January 30, 2023, the OCA filed a letter with the Commission to advise that it would not be filing Comments to PPL’s 2023 Plan Modification.

PPL filed Reply Comments on February 21, 2023, setting forth the Company’s support for the proposed modifications outlined in its 2023 Plan Modification.

On April 27, 2023, the Commission entered an Opinion and Order (*April 2023 Order*) granting, in part, and denying, in part, the Company’s 2023 Plan Modification. Specifically, the Commission approved all of PPL’s proposed modifications, except for the Company’s proposed shift of approximately \$18 million from the Large Commercial and Industrial (C&I) sector budget in the Non-Residential Program to the Small C&I sector budget in the Non-Residential Program (*i.e.*, Change No. 5) and the related changes to the savings and estimated peak demand reductions for the Large C&I and Small C&I sectors due to that proposed budget shift (*i.e.*, Change Nos. 7 and 8). The Commission referred Change Nos. 5, 7, and 8 to the Office of Administrative Law Judge (OALJ) for further proceedings as may be necessary and the issuance of a Recommended Decision within ninety (90) days of April 27, 2023.

On June 30, 2023, a Joint Petition for Settlement of All Issues (2023 Settlement) was filed. The Joint Petition was executed by PPL, the OSBA, PPLICA, and

CAUSE-PA (2023 Joint Petitioners).⁴ The 2023 Settlement included Statements in Support filed by each 2023 Joint Petitioner, which were attached as appendices.

On July 25, 2023, the Commission issued the Recommended Decision (2023 Recommended Decision) of ALJs Hoyer and DeVoe, wherein the ALJs recommended approval of the 2023 Settlement. However, the ALJs also recommended certain modifications to the reporting requirements contained in numbered paragraphs 26 and 27 of the 2023 Settlement. No Party filed Exceptions to the 2023 Recommended Decision.

By Final Order entered August 24, 2023, the Commission adopted the 2023 Recommended Decision. *See, Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan*, Docket No. M-2020-3020824, (Final Order entered August 24, 2023) (*August 2023 Order*).

On February 8, 2024, PPL filed a Petition requesting permission to further modify its Phase IV Plan (February 2024 Plan Modification). Specifically, the Company requested approval of one “major” change to its Phase IV Plan. PPL requested that the

⁴ The OCA, the CEO, and the SEF did not oppose the 2023 Settlement. The NRDC, which was a party to the initial Phase IV EE&C Plan litigation, had not been participating since that time, despite having been served with all orders and notices issued by the ALJs.

Commission review and approve its February 2024 Plan Modification pursuant to the “major” change process set forth in the *Minor Plan Change Order, supra*.⁵

On February 13, 2024, the SEF filed Comments to the February 2024 Plan Modification. The OSBA filed a Letter in Support of the Petition on March 11, 2024.

No Reply Comments were filed regarding the February 2024 Plan Modification.

On April 25, 2024, the Commission entered an Opinion and Order (*April 2024 Order*) granting the Company’s February 2024 Plan Modification.

On June 13, 2024, PPL filed a letter providing the program description of its Electric Vehicle (EV) Charging Pilot Program, pursuant to Section 9.1.4 of its Commission-approved Phase IV Plan, which requires the Company to “submit descriptions of any pilot programs or proposed technology additions to the Pa PUC and stakeholders prior to implementation.” *See* Phase IV Plan at 181.

On June 18, 2024, the Commission served a data request (June 2024 Data Request) of the Commission’s Bureau of Technical Utility Services (TUS) on PPL. Therein, TUS requested information regarding the Company’s EV Charging Pilot Program.

⁵ As noted above, the “major” change process provides parties with thirty (30) days to file comments, an answer, or both, and twenty (20) days to file replies. The actual end of the thirty-day period to file comments was on March 9, 2024, which was a Saturday. Therefore, comments were due the next business day, or on Monday, March 11, 2024. Similarly, the actual end of the twenty-day period to file reply comments was on March 31, 2024, which was a Sunday. Therefore, reply comments were due the next business day, or on Monday, April 1, 2024.

On July 3, 2024, PPL filed a response to the June 2024 Data Request.

On July 26, 2024, PPL filed Amendment 4 to its Residential Conservation Service Provider (CSP) Contract to add an EV Charging Pilot Program.

On September 6, 2024, a Secretarial Letter was issued in which TUS: (1) rejected Amendment 4 to the Residential CSP Contract to add the EV Charging Pilot Program; and (2) concluded that the EV Charging Pilot Program must be added explicitly to the Phase IV EE&C Plan through a minor plan change petition.

Accordingly, on September 19, 2024, PPL filed its September 2024 Plan Modification, wherein it requested to further modify its current Phase IV Plan. Specifically, through the September 2024 Plan Modification, the Company sought approval of a single “minor” change to the programs contained in its Phase IV Plan in accordance with the Commission’s expedited review process, as set forth in the *Minor Plan Change Order*.

Under the procedures for changes that meet the minor plan change criteria set forth in the *Minor Plan Change Order*, comments regarding the September 2024 Plan Modification were due within fifteen (15) days, or by October 4, 2024. Reply comments were due within twenty-five (25) days, or by October 15, 2024.⁶ See *Minor Plan Change Order* at 19. No comments were filed at that time, and no hearings were held.

On October 16, 2024, the Commission served a data request (October 2024 Data Request) of TUS on PPL. Therein, TUS requested information regarding the Company’s September 2024 Plan Modification.

⁶ The actual end of the twenty-five day period to file reply comments was on October 14, 2024, which was a holiday. Therefore, reply comments were due the next business day, or on Tuesday, October 15, 2024.

On October 22, 2024, PPL filed a response (Reply) to the October 2024 Data Request. On October 31, 2024, PPL submitted supplemental answers (Supplemental Reply) to subparts (a) and (b) of the October 2024 Data Request.

On November 18, 2024, the Commission issued the *November 2024 Secretarial Letter* wherein Commission Staff rejected the September 2024 Plan Modification.

As previously noted, PPL filed the instant Petition on December 9, 2024. No Answer to the Petition was filed.

On February 20, 2025, the Commission issued a Secretarial Letter (*February 2025 Secretarial Letter*) noting that, upon review, the September 2024 Plan Modification may not have been served on the Commission's Bureau of Investigation and Enforcement (I&E), as required by the *Minor Plan Change Order*. Consequently, out of an abundance of caution, and to ensure that due process was adequately provided, the Commission directed PPL, within five (5) days of the issuance of the *February 2025 Secretarial Letter*, if not sooner, to: (1) properly serve I&E with the September 2024 Plan Modification; or (2) file proof with the Commission's Secretary that I&E was properly served with the September 2024 Plan Modification in accordance with the *Minor Plan Change Order*. Subsequently, if it was not originally served with the September 2024 Plan Modification, I&E, if it so chose, was provided fifteen (15) days from the date of service of the September 2024 Plan Modification to file comments on the proposed minor Phase IV Plan change pursuant to the *Minor Change Order*.

On February 24, 2025, pursuant to the *February 2025 Secretarial Letter*, PPL filed a letter with the Commission's Secretary stating that, after reviewing the email serving the September 2024 Plan Modification, the Company confirmed that I&E was not included on the email's list of recipients. Therefore, PPL served a copy of the

September 2024 Plan Modification on I&E on February 24, 2025. Because the other parties of record were previously served with the September 2024 Plan Modification, PPL was not re-serving those parties with the filing at this time. No comments were filed by I&E.

II. Legal Standards

A. Approval of Petitions to Amend an EE&C Plan

We have previously held that a petition to amend a Commission-approved Act 129 EE&C Plan is a petition to amend a Commission Order, pursuant to our Regulations at 52 Pa. Code §§ 5.41 and 5.572. *Minor Plan Change Order* at 14. While such a petition may raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior order, at the same time “[p]arties . . ., cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them.” *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (Order entered December 17, 1982) (*Duick*) (quoting *Pennsylvania Railroad Co. v. Pa. Public Service Commission*, 179 A. 850, 854 (Pa. Super. 1935)). Such petitions are likely to succeed only when they raise “new and novel arguments” not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. *Duick* at 559.

B. Petitions for Reconsideration from Staff Action

Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of the Commission’s Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.44(a), which provides the following:

Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is sought from the Commission within 20 days after service of notice of the action, unless a different time period is specified in this chapter or in the act.

52 Pa. Code § 5.44(a).

C. Burden of Proof

With respect to the burden of proof, Courts have held that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc., v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). In considering the appeal from Staff Action, we note that Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a), provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, PPL is the party seeking affirmative relief from the Commission. Therefore, PPL is the party with the burden of proof. *See, Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the counties of Chester, Delaware, Montgomery, Philadelphia, and Bucks, to points in Pennsylvania*, Docket Nos. A-2012-2334103 and A-8915269 (Opinion and Order entered November 5, 2015) (citing *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950)).

In *Se-Ling Hosiery v. Margulies, supra*, the Pennsylvania Supreme Court held that the term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. The term “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the slightest degree, than the evidence presented by the opposing party. Additionally, the Commission must ensure

that the decision is supported by substantial evidence in the record. The Pennsylvania appellate courts have defined substantial evidence to mean such relevant evidence that a reasonable mind may accept as adequate to support a conclusion; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, supra*, citing *Norfolk & Western Railway Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980); *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

III. Discussion

At the outset, we note that any issue we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the Parties. *Consolidated Rail Corporation v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

A. PPL's September 2024 Plan Modification

PPL submitted that it expects EV adoption in its service territory to increase significantly over the next several years. Therefore, in its September 2024 Plan Modification, PPL proposed a single minor change to its Phase IV Plan. Namely, PPL proposed to modify Section 3.2 of its Phase IV Plan by adding a Residential EV Charging Pilot Program to its portfolio of Residential pilot programs. PPL explained that during Program Years 16 and 17 of Phase IV,⁷ the Company will work with its Residential CSP to implement this pilot program. The Company stated that under the EV Charging Pilot

⁷ Program Year 16 is June 1, 2024 to May 31, 2025, and Program Year 17 is June 1, 2025 to May 31, 2026. *See March 2021 Order* at 62.

Program, PPL will incentivize the adoption of connected Level 2, ENERGY STAR certified smart chargers through dealership partnerships and customer downstream rebates and instant discounts. September 2024 Plan Modification at 4-5, 6.

According to PPL, EV chargers are not “binary” such that they only consume energy when “switched on.” Rather, PPL explained, when EV charging equipment is not charging a vehicle, it still consumes energy. As such, PPL stated that energy savings from incentivizing Level 2, ENERGY STAR EV chargers are realized by reducing the consumption of energy while charging equipment is in “standby” mode (*i.e.* while it is not actively charging). PPL noted the finding of the United States Environmental Protection Agency (US EPA), that Level 2, ENERGY STAR EV chargers use 40% less energy than a standard EV charger when it is in standby mode. PPL further explained that with regard to potential annual energy savings in kilowatt hours (kWh) that will result from the implementation of its EV Charging Pilot Program, the Company expects to claim approximately 60,500 kWh and 7.13 kilowatts (kW) in annual savings. The Company stated that this estimation is based on annual savings of 60.50 kWh and 0.00713 kW per networked charger installed. PPL added that these estimated values are default values which rely on ENERGY STAR efficient and baseline average standby mode power consumption, as well as annual plugged and unplugged standby hours utilized in testing scenarios. PPL Reply to October 2024 Data Request at 2; PPL Supplemental Reply to October 2024 Data Request at 3-4.

According to PPL, its EV Charging Pilot Program will aid the Company in understanding the potential impact on its distribution system. PPL represented that it will track and report on pilot program participation, customer marketing and installation preferences, and charging load shapes for customers that provide data authorization. In addition, PPL stated that its evaluation, measurement, and verification (EM&V) CSP will assess the pilot program’s performance, and the Company will use this information to

help inform its EE&C planning opportunities for a potential future phase of Act 129. September 2024 Plan Modification at 6.

PPL explained that it estimates that 1,000 or fewer customers in its service territory will participate in the EV Charging Pilot Program. In addition, the Company estimated that the pilot program will cost between \$500,000 and \$1 million. PPL also stressed that the costs of the pilot program will be fully covered by the existing \$3 million budget for Residential pilot programs in its Phase IV Plan. September 2024 Plan Modification at 6. Further, in its Reply to the October 2024 Data Request, PPL provided the following cost breakdown of approximately \$875,000 for customer incentives, marketing, platform build, and administration associated with the EV Charging Pilot Program:

Task / Item	Rate	Unit	Quantity	Total
Customer Incentives	\$300	Qualified Charger	1,000	\$300,000
Configuration and Launch	\$50,000	Launch	1	\$50,000
Pilot Partner Onboarding and Support	\$5,325	Month	15	\$79,875
Marketing and Outreach	\$8,350	Month	12	\$100,200
Customer Support and Rebate Processing	\$3,320	Month	16	\$53,120
Data Aggregation Platform	\$3,350	Month	12	\$40,200
Management and Reporting	\$11,875	Month	16	\$190,000
ChooseEV Subscription	\$30,750	Year	2	\$61,500
Total				\$874,895

PPL Reply to October 2024 Data Request at 2-3.

PPL further represented that if its September 2024 Plan Modification is implemented, the Company continues to project that it will meet all of its compliance

targets, within the annual 2% cost cap established by Act 129,⁸ with a distribution of programs, costs, and savings across all customer sectors that is reasonable and equitable. Moreover, PPL submitted that the overall Total Resource Cost (TRC) benefit-cost ratio of the resulting revised EE&C Plan will remain at 1.15, which meets the Act 129 cost-effectiveness compliance requirement set forth in 66 Pa.C.S. § 2806.1(b)(1)(i)(I).⁹ September 2024 Plan Modification at 5-6.

PPL attached, as Appendix A, a black-lined version of the Company's proposed revised Phase IV Plan, which incorporates and reflects the September 2024 Plan Modification. Specifically, a description of its proposed EV Charging Pilot Program is on page 67 of the black-lined Phase IV Plan.

⁸ The Act allows an EDC to recover all prudent and reasonable costs relating to the provision or management of its EE&C Plan but limits such costs to an amount not to exceed 2% of the EDC's total annual revenue as of December 31, 2006, excluding Low-Income Usage Reduction Programs established under Chapter 58 of our Regulations, 52 Pa. Code § 58. 66 Pa.C.S. § 2806.1(g). PPL's total annual revenues for calendar year 2006 were approximately \$3.08 billion. Accordingly, the 2% cost cap established by Act 129 for prior EE&C phases, as well as for Phase IV, was approximately \$61,501,376. *March 2021 Order* at 84.

⁹ The overall portfolio of programs in an EE&C Plan is deemed to be cost-effective if its TRC Benefits exceed its TRC costs or the benefit/cost ratio is at least 1.0. *See* Phase IV Plan at 174.

B. *November 2024 Secretarial Letter*¹⁰

In the *November 2024 Secretarial Letter*, Commission Staff denied the September 2024 Plan Modification. Based on the information provided by PPL, Commission Staff determined that a more cost-effective and efficient option for ENERGY STAR-certified Level 2 residential EV chargers would be the application of deemed savings through the establishment of an Interim Measure Protocol. According to Commission Staff, such an approach would eliminate the need for a pilot program and all related costs. Commission Staff further stated that if PPL contemplates analysis of load shifting to off-peak periods, based on various rate structures, such investigation was not suggested and would be most appropriate as part of a potential EV charging Time-of-Use tariff filing. Therefore, Commission Staff denied PPL's request for approval of the September 2024 Plan Modification. *November 2024 Secretarial Letter* at 4.

Furthermore, in the *November 2024 Secretarial Letter*, Commission Staff explained that PPL may seek reconsideration of the directives therein by petitioning the Commission within twenty (20) days after service of the *November 2024 Secretarial Letter*. *November 2024 Secretarial Letter* at 4 (citing 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff)).

¹⁰ In the *Minor Plan Change Order*, the Commission delegated its authority to review, approve, or disapprove minor EE&C Plan changes to Commission Staff, with assistance from staff of the Law Bureau. The *Minor Plan Change Order* directed Staff to issue a Secretarial Letter approving, denying, or transferring to the OALJ for hearings, some, or all of a petition's proposed minor plan changes. *Minor Plan Change Order* at 18-19. Namely, the Commission delegated its authority to staff of the Bureau of Conservation, Economics and Energy Planning, with assistance from staff of the Bureau of Fixed Utility Services and the Law Bureau. *See Id.* at 22. Subsequently, the Commission transferred the staff and functions of the Bureaus of Fixed Utility Services and Conservation, Economics and Energy Planning to TUS. *See Implementation of Act 129 of 2008 Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Final Procedural Order entered August 11, 2011) at 4.

Finally, Commission Staff stated in the *November 2024 Secretarial Letter* that it generally has thirty-five (35) days from a utility's filing of a petition for approval of a minor change to its EE&C Plan to issue a Secretarial Letter approving, denying, or transferring the matter to the OALJ for hearing. *November 2024 Secretarial Letter* at 4 (citing *Minor Plan Change Order* at 18-20). Commission Staff explained that PPL's September 2024 Plan Modification was filed on September 19, 2024, which would ordinarily make October 24, 2024, the deadline for Commission Staff to issue a Secretarial Letter on the matter; however, the September 2024 Plan Modification was incomplete and insufficient for Commission Staff to make a determination, requiring Commission Staff to issue data requests to PPL. Subsequently, Commission Staff determined that PPL's September 2024 Plan Modification was not complete until PPL filed its supplemental response to Commission Staff's October 2024 Data Request on October 31, 2024, rendering the *November 2024 Secretarial Letter* timely under the *Minor Plan Change Order*. *November 2024 Secretarial Letter* at 1, 4.

C. PPL's Petition

In its Petition, PPL argues that the Commission should reverse Commission Staff's decision and approve the single, unopposed September 2024 Plan Modification. PPL submits that Commission Staff's denial of the September 2024 Plan Modification in the *November 2024 Secretarial Letter* was flawed. PPL avers that the lack of opposition to the September 2024 Plan Modification is strong evidence that the proposed minor change is just and reasonable. Petition at 1-2, 6.

In addition, PPL argues that Commission staff failed to meet the deadline imposed by the *Minor Plan Change Order* to issue a ruling on the September 2024 Plan Modification. PPL contends that it took Commission Staff sixty (60) days to issue the *November 2024 Secretarial Letter* denying the September 2024 Plan Modification; however, the *Minor Change Order* requires a Commission Staff decision within

thirty-five (35) days, or forty-five (45) days if the consideration period is extended. PPL avers that there is nothing in the *Minor Plan Change Order* that authorizes Commission Staff to delay ruling on minor plan change petitions for an indefinite period if it deems such proposed minor plan changes to be incomplete. PPL states that by taking sixty (60) days to issue its ruling, Commission Staff unnecessarily delayed PPL's ability to seek reconsideration of Commission Staff's action, and that this delay has impeded PPL's ability to undertake the proposed pilot program on time, and will adversely affect PPL's ability to implement the program and gather data about the measure's effectiveness in advance of Phase V of the EE&C program. Petition at 7-8.

Furthermore, PPL states that its September 2024 Plan Modification contained the required information and materials and was not incomplete. PPL avers that it provided details about the September 2024 Plan Modification and a black-line Phase IV EE&C Plan showing the proposed change. PPL argues that although Commission Staff may have had questions about the September 2024 Plan Modification, that does not mean it was incomplete or not in compliance with the *Minor Plan Change Order*. Here, PPL states that Commission Staff has repeated an error from earlier in 2024 where a minor plan change proposal of FirstEnergy was denied by Commission Staff for failure to provide sufficient supporting documentation, but was subsequently reversed by the Commission because the proposal would not increase the overall costs to any customer class, nor would it have any effect on any budget, savings targets, or TRC test figures. Petition at 8-9 (citing *Joint Petition of Metropolitan Edison Co., Pennsylvania Electric Co., Pennsylvania Power Co. and West Penn Power Co. for Consolidation of Proceedings and Approval of a Minor Change to their Act 129 Phase IV Energy Efficiency and Conservation Plan*, Docket Nos. M-2020-3020820, et al. (Order entered February 22, 2024)). PPL further argues that Commission Staff incorrectly justified the delay for a decision on the need to propound data requests even though Commission Staff already had much of the information requested in the data requests. *Id.* at 9.

Next, PPL argues that Commission Staff’s proposed Interim Measure Protocol will not obviate the need for the EV Charging Pilot Program. PPL avers that Commission Staff overlooks how the EV Charging Pilot Program is designed to gain valuable data about EV chargers that could, among other purposes, help inform EV charging rate design by gathering data on charging load shapes for customers that provide data authorization, and that an Interim Measure Protocol would not provide such data and would hamper PPL’s ability to gain data that could help inform EV rate design. PPL argues that Commission Staff’s logic is backwards because PPL would still need Commission approval of an EE&C Plan change to offer ENERGY STAR-certified Level 2 residential EV chargers for an Interim Measure Protocol as an EE&C measure. Petition at 9-10.

Moreover, PPL contends that the September 2024 Plan Modification is reasonable and in the public interest because EV adoption is expected to increase significantly over the next several years, and this program will help PPL to understand the potential impact on its distribution system as well as future energy efficiency opportunities with EV charging. Also, PPL restates that the EV Charging Pilot Program’s budget would be fully accommodated within the existing budget for Residential pilot programs. Petition at 10-11.

Finally, PPL requests expedited review and consideration of its Petition to help ensure that the September 2024 Plan Modification is not adversely affected by further delay. Petition at 11.

D. Disposition

As discussed above, in the *November 2024 Secretarial Letter*, Commission Staff denied the September 2024 Plan Modification, finding that a more cost-effective and efficient option for ENERGY STAR-certified Level 2 residential EV chargers would

be the application of deemed savings through the establishment of an Interim Measure Protocol, and such an approach would eliminate the need for a pilot program and all related costs. *November 2024 Secretarial Letter* at 4. On review, we disagree with the findings of Commission Staff. Accordingly, we shall grant the Petition and rescind the *November 2024 Secretarial Letter*, consistent with the following discussion.

As an initial matter, we note that pursuant to the requirements of the *Minor Plan Change Order*, PPL served copies of the September 2024 Plan Modification on the OCA, the OSBA, I&E,¹¹ and all other parties that were parties of record in its Phase IV Plan Proceeding. In addition, PPL posted a copy of the September 2024 Plan Modification on its website. *See* September 2024 Plan Modification at 7-8. Thus, stakeholders representing a wide range of interests had an opportunity to review the September 2024 Plan Modification and to provide any comments in opposition, thereto. However, the September 2024 Plan Modification was uncontested. Specifically, neither the OCA, nor I&E, filed comments in opposition to this residential program modification. In our view, the lack of opposition to the September 2024 Plan Modification lends support to a finding that it is just and reasonable.

Furthermore, the *Minor Plan Change Order* requires the following of EDCs when proposing a minor change to an EE&C plan:

The filing must clearly state that it is to be reviewed under the expedited review process for approving proposed minor changes to an EDC's Act 129 EE&C Plan. EDCs are directed to file sufficient documentation to support the proposed minor EE&C Plan change, to include, but not limited to, the affected pages of the plan, a redlined version of the affected pages,

¹¹ PPL served the September 2024 Plan Modification on the OCA, the OSBA, and the parties of record in its Phase IV Plan Proceeding at the time of its filing on September 19, 2024, and it served I&E on February 25, 2025 in accordance with the *February 2025 Secretarial Letter*.

and an explanation of how the proposed minor changes affect the previously approved plan.

Minor Plan Change Order at 18. On review of the September 2024 Plan Modification, we note that PPL identified Section 3.2 of its Phase IV Plan as the section it proposed to modify, and attached, as Appendix A, a black-line version of the Phase IV Plan. September 2024 Plan Modification at 2, 4-7. As previously noted, a description of PPL's proposed EV Charging Pilot Program is on page 67 of the black-lined Phase IV Plan.

Because PPL anticipates increased EV adoption in its service territory in the near future, it proposed to modify its Phase IV Plan by adding a Residential EV Charging Pilot Program, under which it will incentivize the adoption of connected Level 2, ENERGY STAR certified smart chargers through dealership partnerships and customer downstream rebates and discounts. September 2024 Plan Modification at 4-6. PPL further clarified that EV charging equipment consumes energy, during standby mode, even when it is not charging a vehicle; therefore, energy savings from the use of Level 2, ENERGY STAR EV chargers are expected to be realized by reducing the consumption of energy while charging equipment is in standby mode. PPL expects annual savings of approximately 60,500 kWh and 7.13 kW as a result of the EV Charging Pilot Program. *See* PPL Reply to October 2024 Data Request at 2; PPL Supplemental Reply to October 2024 Data Request at 3-4. PPL also contended that the EV Charging Pilot Program will assist the Company in understanding potential impacts on its distribution system. September 2024 Plan Modification at 6.

In addition, PPL estimated that 1,000 or fewer customers will participate in the EV Charging Pilot Program, and that the program will cost between \$500,000 and \$1 million. PPL stated that the costs of the pilot program will be fully covered by the existing budget for Residential pilot programs in its Phase IV Plan. In addition, PPL submitted that, with the implementation of the September 2024 Plan Modification, it will

meet all of its EE&C compliance targets, within the annual 2% cost cap established by Act 129, with a reasonable and equitable distribution of programs, costs, and savings across all customer sectors. Also, PPL stated that the TRC benefit of the revised EE&C Plan will remain at 1.15, which would satisfy the Act 129 cost-effectiveness requirement set forth in 66 Pa.C.S. § 2806.1(b)(1)(i)(I). September 2024 Plan Modification at 5-6.

Based upon the above, we disagree with Commission Staff's denial of the September 2024 Plan Modification. We find that, based on PPL's explanation of the proposed modification and the information provided in support thereof, the September 2024 Plan Modification is reasonable and in the public interest. We acknowledge PPL's expectation that EV adoption will likely increase in its service territory in the future, and we agree that the September 2024 Plan Modification should assist in helping to understand future energy efficiency opportunities with EV charging and potential impacts on PPL's distribution system, while not inhibiting PPL's ability to comply with its Phase IV obligations. We are also persuaded by PPL's representations that the September 2024 Plan Modification will not increase the overall costs to any customer class, and will not negatively affect any budget amounts, savings targets, or TRC results in the Company's Phase IV Plan. Accordingly, we conclude that the better approach in this instance is to approve the September 2024 Plan Modification, as proposed by PPL, rather than requiring the application of deemed savings by establishing an Interim Measure Protocol, as Commission Staff suggested. Therefore, we shall grant the Petition, rescind the *November 2024 Secretarial Letter*, and approve the September 2024 Plan Modification.¹²

¹² Inasmuch as we are granting the Petition herein, we find that it is not necessary to address the remaining arguments contained in the Petition at this time.

IV. Conclusion

For the reasons set forth above, we shall grant the Petition, rescind the *November 2024 Secretarial Letter*, and approve PPL's September 2024 Plan Modification, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration of Staff Action, filed by PPL Electric Utilities Corporation on December 9, 2024, at Docket No. M-2020-3020824, is granted, consistent with this Opinion and Order.
2. That the Secretarial Letter issued on November 18, 2024, at Docket Nos. M-2020-3020824, is rescinded, consistent with this Opinion and Order.
3. That the Petition of PPL Electric Utilities Corporation for Approval of a Minor Change to its Phase IV Act 129 Energy Efficiency and Conservation Plan, filed on September 19, 2024, is granted, consistent with this Opinion and Order.

4. That a copy of this Opinion and Order be served on all of the parties of record.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: March 27, 2025

ORDER ENTERED: March 27, 2025