

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Energy Efficiency and Conservation Program

**Public Meeting held August 28, 2025
3052826-OSA**

**Petition for Reconsideration, Clarification,
and Modification**

Docket No. M-2025-3052826

MOTION OF COMMISSIONER KATHRYN L. ZERFUSS

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration, Clarification, and Modification (Petition) filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representative Network (TURN) (CAUSE-PA/TURN or Petitioners) on July 3, 2025, seeking reconsideration, clarification, and modification of the Implementation Order entered on June 18, 2025,¹ relative to the above-captioned proceeding.

On February 20, 2025, the Commission adopted a Phase V Tentative Implementation Order,² seeking feedback for Phase V of the Energy Efficiency and Conservation (EE&C) program, which would operate from June 1, 2026, through May 31, 2031.³ Following a comment/reply comment period, the Commission issued its *June 2025 Implementation Order*, which contains consumption and peak demand targets and standards, along with procedures for review and approval, for the EE&C plans for Phase V of the EE&C program.

On July 3, 2025, CAUSE-PA/TURN filed the instant Petition. On July 11, 2025, the Office of Consumer Advocate and the Office of Small Business Advocate (Statutory Advocates) jointly filed a Letter in Lieu of Answer in support of the Petition. In addition, on July 14, 2025, the Energy Association of Pennsylvania (EAP) filed a letter in response to the Petition.

In the Petition, CAUSE-PA/TURN argue that the Commission overlooked how the Phase V planning timeline affects the due process rights of interested parties, as well as the need for a complete evidentiary record to properly evaluate EE&C plans. Specifically, CAUSE-PA/TURN contend that the Commission erred by extending the EE&C plan filing deadline to November 30, 2025, without adjusting the related deadlines in the plan approval process. According to CAUSE-PA/TURN, unless the Order is modified, the schedule will allow parties only fifteen or fewer business days to conduct discovery and develop the evidentiary record required for review. The Petitioners argue that the Commission truncated the due process rights of stakeholders to conduct discovery in a reasonable timeframe and meaningfully participate in litigation.

CAUSE-PA/TURN request that the Commission modify the *June 2025 Implementation Order* by:

1. Setting a firm deadline (Dec. 13, 2025) for publishing each Electric Distribution Company's (EDC) Phase V EE&C plan to provide stakeholders with certainty.

¹*Energy Efficiency and Conservation Program*, Docket No. M-2025---3052826 (Implementation Order entered June 18, 2025) (*June 2025 Implementation Order*).

² See *Energy Efficiency and Conservation Program Tentative Implementation Order*, Docket No. M-2025-3052826 (Tentative Order entered February 20, 2025) (*Phase V Tentative Order*).

³ The current phase, Phase IV, began on June 1, 2021, and runs till May 31, 2026. *Phase IV Final Implementation Order*, Docket No. M-2020-3015228 (Implementation Order entered June 18, 2020).

2. Running public comment and litigation tracks concurrently but separately, consistent with other Commission proceedings.
3. Setting deadlines and requirements as follows:
 - 30 days for public comment (to avoid holiday conflicts).
 - 10 days for Answers and Petitions to Intervene.
 - Requiring EDCs to serve plans to stakeholders upon filing.
 - Referring plans immediately to the Office of Administrative Law Judge, with Prehearing Conferences by Jan. 6, 2026.
4. Allowing discovery to begin with Petitions to Intervene (or expedite intervention reviews) and shortening discovery responses to 10 calendar days.

CAUSE-PA/TURN argue that these changes are needed to protect due process, allow meaningful review, and ensure a complete evidentiary record. In response, the Statutory Advocates expressly state that they fully support the Petitioners' request. The EAP indicates that it does not object to the interim timeline adjustments proposed by CAUSE-PA/TURN, provided that any changes do not alter the filing deadline for proposed Phase V EE&C plans or extend the close of the evidentiary record beyond February 4, 2026.

I agree with the Statutory Advocates who state that the Petitioners have presented pragmatic and reasonable solutions to amend the *June 2025 Implementation Order* and adjust the litigation schedule across multiple EDC EE&C plans without extending the required 120-day Phase V planning timeline. I believe the Petitioners' proposed timeline adjustments should be made even though the current timeline deviates only slightly from those of the previous four phases of the program. More importantly, I believe the changes should be made because they are in the best interest of the public and no party opposes them.

THEREFORE, I MOVE THAT:

1. The Petition for Reconsideration, Clarification, and Modification filed by CAUSE-PA/TURN is hereby granted.
2. That this Opinion and Order be served on all jurisdictional electric distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, Law Bureau, Bureau of Technical Utility Services, and all parties who filed comments regarding Phase V of the Commission's Energy Efficiency and Conservation Program under the above-referenced Docket Number.
3. The Office of Special Assistants draft an Order consistent with this Motion.

August 28, 2025
Date



Kathryn L. Zerfuss
Commissioner