



December 16, 2025

VIA E-File

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street, Filing Room
Harrisburg, PA 17120

**RE: Act 129 Energy Efficiency and Conservation Program - Phase V
Docket No. M-2025-3052826**

Petition for Clarification of Staff Action and Request for Corresponding Relief

Dear Secretary Homsher,

Pursuant to section 5.44 of the Commission's regulations, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) seeks clarification regarding the impact of staff action in delaying publication of the Phase V Energy Efficiency and Conservation (EE&C) Plans in the Pennsylvania Bulletin, on the Act 129 Phase V timeline for review. The delay is in direct contravention of the Commission's September 4, 2025 Order, and creates substantial uncertainty regarding the subsequent deadlines established in that Order. To rectify the error, CAUSE-PA requests that the Commission further amend the procedural timeline to help prevent harm to the public and ratepayers that would result if the Commission were to further truncate its Phase V Plan review.

In support of its request for clarification and relief, CAUSE-PA asserts as follows:

1. On September 4, 2025, the Public Utility Commission (Commission) entered an Opinion and Order granting the Petition of CAUSE-PA and the Tenant Union Representative Network (TURN) for Reconsideration and Modification of the Commission's June 18, 2025, Final Implementation Order, adopting an adjusted publication, public comment, and litigation schedule.
2. The Commission stated in its September 4 Order, in relevant part, that "changes [to the procedural schedule] should be made because they are in the best interest of the public and no party opposes them." (Order at 11).

3. The September 4 Order adopted a number of “pragmatic and reasonable solutions” to alleviate procedural issues within the Phase V planning timeline. Most critically, the Commission established a firm deadline of December 13, 2025, for publishing each EDC’s Phase V EE&C plan in the Pennsylvania Bulletin. All subsequent deadlines were predicated on this firmly established deadline for publication.
4. Specifically, the September 4 Order modified the Phase V timeline as follows:
 - a. Setting a firm deadline (December 13, 2025) for publishing each EDC’s Phase V EE&C plan to provide stakeholders with certainty.
 - b. Running public comment and litigation tracks concurrently but separately, consistent with other Commission proceedings.
 - c. Setting deadlines and requirements as follows:
 - Thirty (30) days [from publication] for public comment (to avoid holiday conflicts).
 - Ten (10) days [from publication] 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 January 6, 2026.
 - d. Allowing discovery to begin with Petitions to Intervene (or expedite intervention reviews) and shortening discovery responses to ten (10) calendar days.

(Order at 12)

5. In the subsequent Ordering Paragraphs of the September 4 Order, the Commission translated the timeframes established in the Order to date-certain deadlines for public comment, Answers, and Petitions to Intervene:
 - a. “Any public comments for each electric distribution company’s proposed Phase V Energy Efficiency and Conservation Plan shall be submitted by January 12, 2026.” (Order at 13, ordering para. 2.c)
 - b. “Answers and Petitions to Intervene for each electric distribution company’s proposed Phase V Energy Efficiency and Conservation Plan shall be filed by December 23, 2025.” (Order at 14, ordering para. 2.d)
6. The Commission failed to publish notification in the Pennsylvania Bulletin on December 13, 2025, in direct contravention of its September 4 Order.
7. It is unclear at this time whether publication will occur on December 20, December 27, or January 3. To be published by December 20, the Commission would have had to submit the EE&C Plans for publication by December 9. To be published by December 27, the Commission would have had to submit the EE&C Plans for publication by December 15. (www.pacodeandbulletin.gov/downloads/BulletinSchedule.pdf). If the Commission has not yet submitted the EE&C Plans for publication, the earliest publication date is January 3.

8. The consequences of the Commission’s delay in publication are significant and will impact the timeframe for both the public comment and litigation tracks, further truncating public engagement and interfering with the ability of the parties and stakeholders to create a robust record in the proceeding from which the Commission can base its decision.
 - a. The December 23, 2025 date-certain deadline for Answers and Petitions to Intervene may well arrive before publication in the Pennsylvania Bulletin – depriving interested stakeholders of the 10-day period from the date of publication established in the Order. (See Order at 12; but see Order at 13, ordering para. 2.d).
 - i. Assuming the Commission met the December 9 deadline to permit publication in the December 20 Pennsylvania Bulletin, interested parties would have just one (1) business day to file a Petition to Intervene and Answer. A formal litigation schedule cannot reasonably commence before the deadline for intervention and answer has concluded without running afoul of due process.
 - b. The January 12, 2025 date-certain deadline for public comment will, in turn, end well before the 30-day period for public comment established in the Order. (See Order at 12; but see Order at 13, ordering para. 2.c).
9. Given the substantial uncertainty caused by the failure of Commission staff to timely publish the Phase V EE&C Plans in the Pennsylvania Bulletin, consistent with the Commission’s September 4 Order, CAUSE-PA is seeking clarification regarding the impact of the Commission’s delayed publication on the public comment and litigation schedule.

To insulate the public from harm, facilitate meaningful public input, and ensure adequate time to create a full and robust record with respect to each EE&C Plan, CAUSE-PA requests that the Commission clarify that the timeframes established in the September 4 Order stand, and that the date-certain deadlines established in the subsequent ordering paragraphs will be amended commensurate with the revised publication date. In turn, we request that the Commission extend the February 4, 2026 deadline to close the formal evidentiary record by an amount commensurate with the number of days that publication was delayed. This will ensure that litigation can commence within a reasonable timeframe following the 10-day period after publication for interested parties to file a formal Answer and Petition to Intervene.

While CAUSE-PA recognizes that mistakes happen, we are deeply concerned about the impact of this delayed publication on the ability for the public and interested stakeholders to comment on extensive ratepayer supported programs, and the implications that a further truncated review process will have on the Commission’s ability to thoroughly review each Plan. This is exactly the scenario we were concerned about in filing our earlier Petition for Reconsideration of the Commission’s Final Implementation Order. Ultimately, consumers with a vested interest in the success of Act 129 programs should not be forced to suffer the consequences of the Commission’s error.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT

A handwritten signature in blue ink that reads "Elizabeth R. Marx". The signature is written in a cursive style with a horizontal line underneath it.

Elizabeth R. Marx, Esq.
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Verification

I, **Elizabeth R. Marx**, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



On behalf of the Coalition for Affordable Utility
Services and Energy Efficiency in Pennsylvania

Date: December 16, 2025

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 129 Energy Efficiency and Conservation : Docket No. M-2025-3052826
Program – Phase V :

Certificate of Service

I hereby certify that I have this day served copies of the **Petition for Clarification of Staff Action and Request for Relief of CAUSE-PA** upon the parties of record in the above captioned proceedings in accordance with the requirements of 52 Pa. Code § 1.54.

VIA Email

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