

COMMONWEALTH OF PENNSYLVANIA



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December 19, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

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

OCA Letter in Lieu of Answer in Support of CAUSE-PA Petition

Dear Secretary Homsher,

On or about December 16, 2025, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed its Petition for Clarification of Staff Action and Request for Corresponding Relief (hereafter “Petition”), specifically seeking clarification regarding the impact of 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 Petition provides relevant procedural history, including but not limited to:

“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.¹”

Petition at ¶ 1.

¹ Energy Efficiency and Conservation Program, Docket No. M-2025-3052826 (Order entered September 4, 2025)(September 2025 Order); Available by and through this link: <https://www.puc.pa.gov/pcdocs/1893900.pdf>

The September 2025 Order modified the litigation schedule for review of Phase V plans as follows:

- a. The Commission shall publish a notice of each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan in the Pennsylvania Bulletin on December 13, 2025.
- b. The public comment and litigation tracks for each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan shall run concurrently, but separately, consistent with other Commission proceedings.
- c. Any public comments for each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan shall be submitted by January 12, 2026.
- d. 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.
- e. Upon filing, each electric distribution company shall serve its proposed Phase V Energy Efficiency and Conservation Plan on all interested stakeholders.
- f. Upon filing, each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan shall be immediately referred to the Commission's Office of Administrative Law Judge, and Prehearing Conferences for each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan shall occur by January 6, 2026.
- g. Discovery with respect to each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan may begin upon the filing of Petitions to Intervene.
- h. All responses to discovery in each electric distribution company's proposed Phase V Energy Efficiency and Conservation Plan proceeding shall be provided within ten (10) calendar days.

September 2025 Order at 13-14.

As CAUSE-PA's Petition provided, the changes to the procedural schedule were unopposed and in the best interest of the public. Petition at ¶ 2. Additionally, it is believed and therefore averred that, as of this letter, the Commission has not published notification in the Pennsylvania Bulletin. *See also* Petition ¶ 6. CAUSE-PA seeks the following relief in light of the same:

1. 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; and
2. That the Commission extends the February 4, 2026, deadline to close the formal evidentiary record by an amount commensurate with the number of days that publication was delayed.

Petition at 3.

On December 18, 2025, the Secretary of the Commission issued an Order (Commission Order) in response to the CAUSE-PA Petition. The Commission Order set a deadline for publication in the *Pennsylvania Bulletin* and established certain other revised deadlines. Currently, the Phase V Plan timeline is set as follows:

1. The Commission will publish notice of each electric distribution companies Phase V EE&C Plan in the Pennsylvania Bulletin on January 3, 2026.
2. Answers and Petitions to Interview for each electric distribution companies Phase V EE&C Plan shall be filed no later than January 5, 2026.
3. Any public comment on the electric distribution companies Phase V EE&C Plan shall be submitted by January 18, 2026.
4. All other procedures and timelines have not been modified.
5. Prehearing Conferences for each electric distribution companies Phase V EE&C Plan shall occur by January 6, 2026.

The OCA provides this letter in support of CAUSE-PA's Petition. The OCA agrees with the concerns set forth in CAUSE-PA's Petition. Specifically, and moreover, the OCA raises concerns regarding the status of the referral of the relevant Phase V Matters² to the Office of the Administrative Law Judge and the abbreviated period of time for public comment.

The OCA also understands that inadvertent errors can occur and shares CAUSE-PA's concerns that the delayed publication limits meaningful public and stakeholder participation in reviewing these ratepayer-funded programs. The OCA also respectfully asserts that without further clarification of the litigation schedule, discussed further below, the Commission's ability to conduct a thorough review of each Plan may be constrained. It is important to ensure that ratepayers with a vested interest in the success of Act 129 programs are not adversely affected by this delay. As of the date of this filing, the level of ratepayer interest remains unknown to the undersigned because the matter has not been published as required by the September 2025 Order.

The OCA respectfully agrees with CAUSE-PA and requests that the Commission:

1. Assign the Phase V dockets and matters to the Office of Administrative Law Judge, and direct the assigned Judges to reach out to the parties and attorneys of record no later than December 29, 2026;
2. Extend the public comment period to February 2, 2026, reflecting the delayed publication in the *Pennsylvania Bulletin*.
3. Adjust the remaining litigation schedule, as appropriate, to account for the delay resulting from the lack of published notice, including, but not limited to, providing extensions to non-EDC testimony deadlines; and
4. 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.

² Please see docket numbers M-2025-3057325 (Duquesne Light Company), M-2025-3057327 (FirstEnergy Pennsylvania), M-2025-3057328 (PECO Electric Company), and M-2025-3057329 (PPL).

Respectfully Submitted,

/s/ Katie Kennedy

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Certificate of Service

CERTIFICATE OF SERVICE

Act 129 Energy Efficiency and
Conservation Program Implementation
Phase V

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Docket No. M-2025-3052826

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Letter Re: in Lieu of Answer, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 19th day of December, 2025

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