



eeaofnj.org | keealliance.org | 614 S. 4th St. #307, Philadelphia, PA 19147 | 215.910.4785

January 6, 2026

Via Electronic Filing

Secretary Matthew Homsher
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of Its Act 129 Phase V Energy
Efficiency and Conservation Plan
Docket No. M-2025-3057328

Petition to Intervene and Answer of KEEA

Dear Secretary Homsher:

Please find the attached **Petition to Intervene and Answer of the Keystone Energy Efficiency Alliance** in the above-referenced proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only unless otherwise indicated.

Respectfully Submitted,

/s/ Justin L. Carpenter

Justin L. Carpenter, Esq.
Policy Counsel
Keystone Energy Efficiency Alliance

CC: Certificate of Service
Office of Administrative Law Judge (via email only: crainey@pa.gov)
Bureau of Technical Utility Services (via email only: pdiskin@pa.gov)
Office of Special Assistants (via email only: ra-OSA@pa.gov)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
For Approval of its Act 129 Phase V : Docket No. M-2025-3057328
Energy Efficiency and Conservation Plan :

**PETITION TO INTERVENE AND ANSWER
OF THE KEYSTONE ENERGY EFFICIENCY ALLIANCE**

Keystone Energy Efficiency Alliance

Justin L. Carpenter, Esq.

PA I.D. No. 324801

614 South 4th St., #307

Philadelphia, PA 19147

Tel.: 215-792-2101

jcarpenter@keealliance.org

January 6, 2026

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, the Keystone Energy Efficiency Alliance (“KEEA”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene and files its Answer in the above-captioned proceeding. In support thereof, KEEA states as follows:

Petition to Intervene

1. Act 129 of 2008 (“Act 129”) charged the Commission with the task of developing an energy efficiency and conservation program (“EE&C program”). 66 Pa. C.S. §2806.1.
2. The Act also established energy efficiency (“EE”) and peak demand reduction (“PDR” or “DR”) targets that each electric distribution company (“EDC”) with at least 100,000 customers must meet. Id.
3. Pursuant to section 2806.1(C)(3) of Act 129, the Commission was also charged with evaluating the costs and benefits of the EE&C program by November 30, 2013, and every five years thereafter.
4. On June 18, 2025, after receiving comments and reply comments from the EDCs and other interested parties, the Commission issued its *Energy Efficiency and Conservation Program Implementation Order* at Docket No. M-2025-3052826 (“Implementation Order”), setting consumption reduction and demand reduction targets for each EDC with at least 100,000 customers for Phase V of the EE&C program.
5. On December 1, 2025, PECO Energy Company (“PECO” or “the Company”) filed its Petition for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan at the above captioned docket.

6. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which provides in relevant part that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

7. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

8. Even though section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members ... as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” *Energy Cons. Council of Pa. v. Pa. PUC*, 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (citing *Tripps Park v. Pa. PUC*, 415 A.2d 967 (Pa. Commw. 1980); *Parents United for Better Schools v. School District of Philadelphia*, 646 A.2d 689 (Pa. Commw. 1994)).

9. KEEA is a 501(c)(6) trade association representing more than 70 member businesses in the energy efficiency industry in Pennsylvania. KEEA’s member businesses manufacture, design, and implement energy efficiency improvements in buildings across Pennsylvania on behalf of regulated utilities and ratepayers. KEEA’s members have a direct and substantial interest in this proceeding as the continuation and growth of their business is closely tied to the successful implementation of energy efficiency and conservation programming under Act 129.

10. KEEA is located at 614 South 4th Street, # 307, Philadelphia, PA 19147.

11. KEEA’s interest in this case differs from that of any other party, and “is not adequately represented by existing participants.” 52 Pa. Code. § 5.72(a)(2). KEEA is a well-established energy efficiency organization in Pennsylvania and offers a unique perspective of the business experience. KEEA and its member businesses have extensive knowledge in the establishment and execution of utility- and state-run energy efficiency programs within the state and across the country. Further, KEEA, along with its sister trade association, the Energy Efficiency Alliance of New Jersey, have intervened in the past in state utility proceedings, including base rate cases and utility-run EE&C plans.

12. Finally, KEEA has standing to intervene because at least one of its members have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

13. KEEA is represented by:

Justin L. Carpenter, Policy Counsel
Keystone Energy Efficiency Alliance
614 South 4th Street, #307
Philadelphia, PA 19147
jcarpenter@keealliance.org

KEEA consents to the service of documents by electronic mail to the email address of counsel listed above, as provided in 52 Pa. Code § 1.54(b)(3).

Answer

14. KEEA has preliminarily reviewed the Company’s EE&C Petition and identified a number of issues presented by the filing which may affect its members, including but not limited to:

- a. Whether the Company’s proposed programs and identified measures

within those programs satisfy the requirements of Act 129 and the Commission's Orders;

- b. Whether the proposed programs and measures are appropriately designed to coordinate delivery of LIURP, WAP, and the low-income programs in Act 129;
- c. Whether the delivery of plan measures is appropriately coordinated between Conservation Service Providers (CSPs);
- d. Whether the proposed plan is designed to ensure that expenditures achieve maximum lifetime energy savings;
- e. Whether the proposed plan properly focuses on direct-install measures for low-income customers;
- f. Whether the proposed plan adequately provides comprehensive measures for low-income households;
- g. Whether the delivery of measures to low-income households is appropriately coordinated with other low-income bill assistance and energy conservation programming operating within the Company's respective service territory; and

15. In addition to these specific issues, KEEA reserves the right to raise additional issues that may arise as more data and information become available throughout the course of this proceeding.

16. It is critical for KEEA to intervene in this proceeding to address aspects of the Company's EE&C Plan that could impair the ability of low-income households to access meaningful energy savings through the Plan's programs and to ensure that the Plan provides

equitable and proportionate benefits to low-income households.

17. KEEA asserts that these matters, along with the impact of any future modifications presented by intervening parties on member businesses operating in PECO's territory, must be thoroughly reviewed through discovery and an evidentiary hearing, at which all parties are provided an opportunity to submit expert testimony on the record to fully participate in the proceeding.

WHEREFORE, KEEA respectfully requests that the Commission enter an Order granting KEEA full status as an intervener in this proceeding with active party status.

Respectfully submitted,

KEYSTONE ENERGY EFFICIENCY ALLIANCE

/s/ Justin L. Carpenter

Justin L. Carpenter, Esq., PA ID: 324801
614 South Street, # 307
Philadelphia, PA 19147
Tel.: 215-910-4785
jcarpenter@keealliance.org

Date: January 6, 2026

Verification

I, **Justin L. Carpenter**, counsel for the Keystone Energy Efficiency Alliance (KEEA), hereby state that the facts contained in the foregoing pleadings 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).

/s/ Justin L. Carpenter

Justin L. Carpenter, Esq.
Policy Counsel

Date: January 6, 2026

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
For Approval of its Act 129 Phase V : Docket No. M-2025-3057328
Energy Efficiency and Conservation Plan :

Certificate of Service

I hereby certify that I have this day served copies of the **Petition to Intervene of the Keystone Energy Efficiency Alliance** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54, in the manner and upon the persons listed below.

VIA EMAIL

<p>Kenneth M. Kulak, Esq. Catherine G. Vasudevan, Esq. Morgan, Lewis & Brockius LLP 2222 Market Street Philadelphia, PA 19103-3007 Ken.kulak@morganlewis.com Catherine.vasudevan@morganlewis.com</p>	<p>Steven C. Gray, Esq. Office of Small Business Advocate 555 Walnut Street 1st Floor, Forum Place Harrisburg, Pennsylvania 17101 sgray@pa.gov</p>
<p>Devin T. Ryan, Esq. Post & Schell, P.C. One Oxford Centre 301 Grant Street, Suite 3010 Pittsburgh, PA 15219 dryan@postschell.com</p>	<p>Katherine M. Kennedy, Esq. Olivia M. Spergel, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101 OCAPhaseVPECO25@paoca.org</p>
<p>Allison Kaster, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission 400 North Street, 2nd Floor Harrisburg, PA 17120 akaster@pa.gov</p>	<p>Chris Mincavage, Esq. Adeolu A. Bakare, Esq. Victoria A. Geddis, Esq. McKnees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108-1166 cmincavage@mcneeslaw.com abakare@mcneeslaw.com vgeddis@mcneeslaw.com</p>

<p>Charlotte Edelstein, Esq. Joline R. Price, Esq. Benjamin Clark, Esq. Robert W. Ballenger, Esq. Community Legal Services, Inc. 1424 Chestnut Street Philadelphia, PA 19102 cedelstein@clsphila.org jprice@clsphila.org bclark@clsphila.org rballenger@clsphila.org</p>	<p>Laura Antinucci, Esq. Philadelphia Law Department 1515 Arch Street, 16th Floor Philadelphia, PA 19102</p>
<p>Elizabeth R. Marx, Esq. Levi A. Phillips, Esq. Ria M. Pereira, Esq. Lauren N. Berman, Esq. John W. Sweet, Esq. Pennsylvania Utility Law Project 118 Locust Street Harrisburg, PA 17101 pulp@pautilitylawproject.org</p>	<p>Baird Brown, Esq. baird@eco-n-law.net eco(n)law, LLC 230 South Broad Street, 17th Floor Philadelphia, PA 19102</p>

Respectfully Submitted,
KEYSTONE ENERGY EFFICIENCY ALLIANCE

/s/ Justin L. Carpenter

Justin L. Carpenter, Esq., PA ID: 324801
614 South Street, # 307
Philadelphia, PA 19147
Tel.: 215-910-4785
jcarpenter@keealliance.org

January 6, 2026