**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company :

for Approval of its Act 129 Phase III : M-2015-2514767

Energy Efficiency and Conservation Plan :

:

Petition of Pennsylvania Electric Company :

For Approval of its Act 129 Phase III : M-2015-2514768

Energy Efficiency and Conservation Plan :

:

Petition of Pennsylvania Power Company :

For Approval of its Act 129 Phase III : M-2015-2514769

Energy Efficiency and Conservation Plan :

:

Petition of West Penn Power Company :

For Approval of its Act 129 Phase III : M-2015-2514772

Energy Efficiency and Conservation Plan :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

On June 19, 2015, the Commission entered an Implementation Order regarding the *Energy Efficiency and Conservation Program* at Docket Nos. M-2014-2424864. With this Implementation Order, the Commission tentatively adopted additional incremental reductions in electric consumption and peak demand for the period of June 1, 2016 through May 31, 2021.

Specifically, the Commission held:

The Act requires EDCs to file a new EE&C Plan with the Commission every five years or as otherwise required by the Commission. Such new plans must set forth the manner in which the EDC will meet the required reductions in consumption under subsections (c) and (d) of the Act. *See* 66 Pa. C.S. § 2806.1(b)(1)(ii). Therefore, we proposed that the EDCs file new EE&C Plans outlining how they will implement measures/programs necessary to attain the consumption and peak demand reduction targets proposed in our Tentative Implementation Order. Additionally, we proposed, for the approval of the EDCs’ Phase III EE&C Plans, the same process that was utilized in Phase II. We expressed a belief that this process balanced the needs of all stakeholders while recognizing the time constraints and resource allocation required in the litigation of the Plans.

Id. at 89-90.

Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) jointly filed a Joint Petition for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans Phase III on November 23, 2015. The Joint Petition was assigned four separate docket numbers by the Secretary’s Bureau as follows: 1) M-2015-2514767 (Met-Ed); 2) M-2015-2514768 (Penelec); 3) M-2015-2514769 (Penn Power); and 4) M-2015-2514772 (West Penn). Notice of the petitions was published in the *Pennsylvania Bulletin* on December 12, 2015, with a comment period ending January 4, 2016. 45 *Pa.B.* 7078. The petitions were assigned to Administrative Law Judges Elizabeth H. Barnes and Steven Haas by Notice dated December 8, 2015. As stated in the Prehearing Conference Order dated December 18, 2015, ALJ Haas is no longer presiding.

On December 10, 2015, the Office of Consumer Advocate (OCA) filed its notice of intervention, public statement and notice of appearance.

On December 17, 2015, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed its petition to intervene.

On December 18, 2015, the Office of Small Business Advocate (OSBA) filed its notice of intervention, public statement and notice of appearance.

On December 29, 2015, the Companies filed a Joint Petition for a Protective Order.

On December 30, 2015, Wal-Mart Stores East, LP and Sam’s East, Inc. filed a joint petition to intervene. Also on December 30, 2015, CAUSE-PA filed a Letter in Lieu of Comments.

On January 4, 2016: 1) the Retail Energy Supply Association (RESA) filed a petition to intervene, comments and recommendations; 2) Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Penn Power Users Group, and the West Penn Power Industrial Intervenors filed a joint petition to intervene, answer and comments; 3) OCA filed comments; and 4) OSBA filed an Answer.

Comments were also filed by the following entities that did not appear at the prehearing conference including: PennFuture, Sierra Club, Environmental Defense Fund, Clean Air Council, EnergyHub, and Energy Efficiency For All.

An Initial Prehearing Conference was held on January 5, 2016.[[1]](#footnote-1) At the prehearing conference, the parties agreed to consolidate the four dockets to one hearing in the interest of judicial efficiency. By Scheduling Order dated January 7, 2016, I granted intervenor status to the following petitioners: 1) The Pennsylvania State University; 2) Wal-Mart Stores East, LP and Sam’s East, Inc. (Walmart); 3) CAUSE-PA; 4) Met-Ed Industrial Users Group; 5) Penelec Industrial Customer Alliance; 6) Penn Power Users Group; 7) West Penn Industrial Intervenors; and 8) RESA. A Petition to Intervene and Prehearing Memorandum of EnerNOC, Inc. was filed on January 8, 2016. A Protective Order was issued on January 11, 2016. EnerNOC, Inc. was granted Intervenor status by Order dated January 12, 2016. The Companies’ consolidated hearing in the instant case was held on January 27, 2015. Thereafter, on February 10, 2015, the parties submitted a Joint Petition for Settlement of All Issues together with Appendices including Statements in Support by the signatory parties and a Letter of Non-Opposition from the Pennsylvania State University and a “No Position” letter from RESA.

ORDER

THEREFORE,

IT IS ORDERED:

THAT THE FOLLOWING DOCUMENTS COMPRISE THE EVIDENTIARY RECORD IN THIS CASE:

1. Notice of Prehearing Conference dated December 8, 2015.

2. The Companies’ Joint Petition for a Protective Order filed on December 29, 2015.

3. Wal-Mart Stores East, LP and Sam’s East, Inc. joint petition to intervene filed on December 30, 2015.

4. The Pennsylvania State University’s Petition to Intervene filed on December 30, 2015.

5. CAUSE-PA’s Letter in Lieu of Comments filed on December 30, 2015.

6. The Retail Energy Supply Association (RESA) petition to intervene, comments and recommendations filed on January 4, 2016.

7. Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Penn Power Users Group, and the West Penn Power Industrial Intervenors’ joint petition to intervene, answer, and comments filed on January 4, 2015.

8. OCA’s Comments filed on January 4, 2016.

9. OSBA’s Answer filed on January 4, 2016.

10. Comments and Recommendations of Joint Commentators PennFuture, Sierra Club, Natural Resources Defense Council, the Keystone Energy Efficiency Alliance, Environmental Defense Fund, and Clean Air Counsel filed on January 4, 2016.

11. Comments of EnergyHub on Metropolitan Edison Company’s Phase III Energy Efficiency and Conservation Plan filed on January 4, 2015.

12. *Prehearing Conference Order* entered on December 18, 2015.

13. The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania’s (CAUSE-PA) Petition to Intervene filed on December 17, 2015.

14. Office of Consumer Advocate’s Notice of Intervention filed on December 10, 2015.

15. The Office of Small Business Advocate’s Notice of Intervention filed on December 18, 2015.

16. The transcript of the prehearing conference held on January 5, 2016, consisting of pages 1 through 21.

17. *Scheduling Order* entered on January 7, 2016.

18. *Protective Order* entered January 7, 2016.

19. EnerNOC, Inc.’s Petition to Intervene filed on January 8, 2016.

20. *Order Granting EnerNOC, Inc.’s Petition to Intervene* dated January 12, 2016.

21. Notice of Hearing dated January 19, 2016.

22. *Order Suspending Procedural Schedule* entered on January 22, 2016.

23. The transcript of the evidentiary hearing held at 10:00 a.m. on January 27, 2016, consisting of pages 22 through 49.

24. The Submissions of CAUSE-PA entitled as follows:

Stipulated Exhibit No. 1, Responses of First Energy Companies to Interrogatories of Cause-PA Set II, No. 1 and Set II, No. 2.

CAUSE-PA Statement No. 1, the Direct Testimony of Mitchell Miller (with his verification and Appendices A and B).

25. The Submissions of EnerNOC, Inc. entitled as follows:

The Direct Testimony of Peter Cavan.

26. The Submissions of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company entitled as follows:

Summary of Settlement Terms – Met-Ed/Penelec/Penn Power/West Penn Exhibit No. 1.

Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans Phase III filed on November 23, 2015 - Met-Ed/Penelec/Penn Power/West Penn Exhibit No. 2

EE&C Phase III Plans - Met-Ed/Penelec/Penn Power/West Penn Exhibit No. 3

Met-Ed/Penelec/Penn Power/West Penn Statement No. 1, Prepared Direct Testimony of John C. Dargie

Met-Ed/Penelec/Penn Power/West Penn Statement No. 2, Prepared Direct Testimony of Edward C. Miller.

Met-Ed/Penelec/Penn Power/West Penn Statement No. 3, Prepared Direct Testimony of Kevin M. Siedt- Revised with Exhibit KMS-1-Revised; Exhibit KMS-2-Revised; Exhibit KMS-3-Revised; Exhibit KMS-4 Revised; and Exhibit KMS-5 Revised, KMS-6 - Revised.

Verifications of Mr. Dargie, Mr. Miller and Mr. Siedt - Met-Ed/Penelec/Penn Power/West Penn Exhibit Nos. 4-6, respectively.

27. The submissions of the Office of Consumer Advocate as follows:

OCA Statement 1(Met-Ed), Prepared Direct Testimony of Geoffrey C. Crandall with Exhibits GCC-1 and GCC-2)

OCA Statement 1 (Penelec), Prepared Direct Testimony of Geoffrey C. Crandall with Exhibits GCC-1 and GCC-2)

OCA Statement 1 (Penn Power), Prepared Direct Testimony of Geoffrey C. Crandall with Exhibits GCC-1 and GCC-2)

OCA Statement 1 (West Penn), Prepared Direct Testimony of Geoffrey C. Crandall with Exhibits GCC-1 and GCC-2)

OCA Statement 2 (Met-Ed), Prepared Direct Testimony of Roger D. Colton with Schedules RDC-1 and RDC-2)

OCA Statement 2 (Penelec), Prepared Direct Testimony of Roger D. Colton with Schedules RDC-1 and RDC-2)

OCA Statement 2 (Penn Power), Prepared Direct Testimony of Roger D. Colton with Schedules RDC-1 and RDC-2)

OCA Statement 2 (West Penn), Prepared Direct Testimony of Roger D. Colton with Schedules RDC-1 and RDC-2)

28. Penn State University’s Letter of Non-opposition of Joint Petition For Settlement filed on February 10, 2016.

29. Joint Petition for Settlement of All Issues filed on February 10, 2016, with attached Appendices.

30. OCA Statement in Support for Full Settlement filed on or about February 10, 2016.

31. Statement of CAUSE-PA and Energy Efficiency in Pennsylvania in Support of Joint Petition for Settlement.

32. Statement of EnerNOC, Inc. in Support of Joint Petition for Settlement filed on February 11, 2016.

33. Companies’ Statement in Support filed on February 10, 2016.

34. No Position letter from RESA filed February 8, 2016.

Date: February 12, 2016

Elizabeth H. Barnes

Administrative Law Judge

**PETITION OF:**

**M-2015-2514767 – METROPOLITAN EDISON COMPANY**

**M-2015-2514768 – PENNSYLVANIA ELECTRIC COMPANY**

**M-2015-2514769 – PENNSYLVANIA POWER COMPANY**

**M-2015-2514772 – WEST PENN POWER COMPANY - FOR APPROVAL OF ITS ACT  129 PHASE III ENERGY EFFICIENCY AND CONSERVATION PLAN.**

***Revised 1/12/16***

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1. At the conference, the Companies indicated there were errors in the exhibits associated with Kevin Siedt’s written testimony, which were originally filed on November 23, 2015 with the Joint Petition for Approval. On or about January 6, 2016, the Companies filed revised exhibits of Kevin Siedt and provided hard copies to the parties and presiding officer. [↑](#footnote-ref-1)