



December 29, 2020

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**RE:       Petition of PECO Energy Company for Approval of Its Act 129 Phase IV  
Energy Efficiency and Conservation Plan / Docket No. M-2020-3020830**

Secretary Chiavetta:

Enclosed please find the Petition to Intervene on behalf of Natural Resources Defense Council, in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

Please contact me if you have any questions concerning this matter.

Sincerely,

/s/ James M. Van Nostrand

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*Enclosures*

cc: Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of its Act 129 Phase IV Energy :                   Docket No. M-2020-3020830  
Efficiency and Conservation Plan :  
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**PETITION TO INTERVENE OF NATURAL RESOURCES DEFENSE COUNCIL**

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Pursuant to 52 Pa. Code §§5.71 et seq., Natural Resources Defense Council (“NRDC”) hereby files this Petition to Intervene in the above-captioned proceeding, and in support of its Petition states as follows:

1. In Act 129 of 2008 (“Act 129”) the Pennsylvania General Assembly found that it is in the public interest for the Commonwealth to adopt energy efficiency and conservation measures and directed the Commission to adopt an energy efficiency and conservation program (“EE&C Program”).

2. Under the EE&C Program, the Commission must require electric distribution companies (“EDCs”) to adopt and implement cost-effective energy efficiency and conservation plans (“EE&C Plans”) to reduce energy demand and consumption within their service territories.

3. The EE&C Program also requires, *inter alia*, an analysis of the costs and benefits of each EE&C Plan submitted by an EDC in accordance with a total resource cost test approved by the commission; an analysis of how each EDC’s Plan will enable the EDC to achieve or exceed consumption reduction requirements established by the Commission; standards to ensure that each Plan includes a variety of energy efficiency

and conservation measures and provides the measures equitably to all classes of customers; and procedures for recommendations as to additional measures that will enable EDCs to improve their Plans and exceed their consumption reduction requirements established by the Commission.

4. Act 129 further requires the Commission to conduct a public hearing on each EDC's EE&C Plan, and to allow for recommendations by the Office of Consumer Advocate, the Office of Small Business Advocate, and members of the public as to how the EDC could improve its Plan to exceed the consumption reduction requirements established by the Commission.

5. To date, the Commission has implemented the EE&C Program in three phases, with Phase I covering the period from June 1, 2009, to May 31, 2013; Phase II covering the period from June 1, 2013 to May 31, 2016; and Phase III covering the period from June 1, 2016 to May 31, 2021.

6. Pursuant to Act 129's requirement that the Commission evaluate the EE&C Program's benefits and costs by November 30, 2013 and every five years thereafter, the Commission directed its Statewide Evaluator for the EE&C Program to conduct an energy efficiency and peak demand reduction potential study to determine, *inter alia*, what cost-effective electric energy efficiency savings are feasible for the EDCs subject to Act 129.

7. On March 12, 2020, after the Statewide Evaluator's potential study the study concluded that "[t]here is significant potential for [efficiency] savings in Pennsylvania" and that "a comprehensive portfolio of measures can cost-effectively capture a subset of those potential savings within the budget constraints set forth in Act

129 [2% of the EDC's total annual revenue as of December 31, 2006],”<sup>1</sup> the Commission issued a Tentative Implementation Order for a Phase IV of Act 129, to operate from June 1, 2021 to May 31, 2026.

8. On June 18, 2020, following the receipt of comments from the EDCs and other interested parties, including NRDC, the Commission issued a Final Implementation Order for Phase IV that established consumption reduction and demand reduction targets for EDCs subject to Act 129, and required EDCs to file plans by November 30, 2020.<sup>2</sup>

9. On November 30, 2020, the PECO Energy Company (“PECO”) filed a Petition for Approval of its Act 129 Phase IV Energy EE&C Plan.

10. Upon information and belief, the adjudication of PECO's EE&C Plan has been assigned to Administrative Law Judge Hoyer.

11. NRDC is an environmental organization and not-for-profit corporation with more than 1.4 million members, including more than 16,000 in Pennsylvania. Since 1970, NRDC's attorneys, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC's top institutional priority is fight climate change and build an equitable clean energy future, in part through the more efficient use of energy.

12. To avoid the worst impacts of climate change, it is necessary to prevent average global temperatures from rising more than 1.5 degrees Celsius above pre-industrial levels, and that requires the world to reduce greenhouse gas emissions 45 percent over 2010 levels by 2030 and to achieve “net zero” emissions by 2050. Energy

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<sup>1</sup> Pennsylvania Statewide Evaluation Team, *Pennsylvania Act 129 - Phase IV Energy Efficiency and Peak Demand Reduction Market Potential Study Report*, February 28, 2020, available at <https://www.puc.pa.gov/pcdocs/1656474.pdf>

<sup>2</sup> See Energy Efficiency and Conservation Program, Docket No. M-2020-3015228.

efficiency is an essential strategy for achieving these goals, and is the most cost-effective way of doing so. Using energy more efficiently in the electricity, transportation, industry, and buildings sectors means less pollution and lower customer energy costs.

13. Without the energy efficiency investments that have been made in the U.S. since 1980, carbon dioxide emissions would be 60 percent higher than they are today and customers would be paying approximately \$800 billion in energy costs annually. Further investments in energy efficiency could slash U.S. energy consumption enough to cut greenhouse gas emissions in half by 2050 while saving consumers and businesses more than \$700 billion.<sup>3</sup>

14. NRDC has a significant interest in the Act 129 Program and in PECO's EE&C Plan because of energy efficiency's extensive potential to cost-effectively reduce electricity consumption and greenhouse gas emissions in Pennsylvania. NRDC's interests in this proceeding are unique from and not adequately represented by other parties.

15. Members of NRDC are located within PECO's service territory and will be affected by the outcome of this proceeding.

16. NRDC will be represented in this matter by:

Mark C. Szybist, Esq.  
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and

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<sup>3</sup> See American Council for an Energy Efficiency Economy et al., *Energy Efficiency Impact Report*, December, 2019, available at <https://energyefficiencyimpact.org/>

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17. Pursuant to 52 Pa. Code § 1.54(b)(3), NRDC consents to the electronic service of all documents upon counsel at the e-mail address stated above.

**WHEREFORE**, NRDC respectfully requests that the Commission grant this Petition to Intervene.

Respectfully submitted,

/s/ Mark Szybist

Mark C. Szybist

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Date: December 29, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
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:

**VERIFICATION**

I, Jackson Morris, Director of the Eastern Region for the Climate and Clean Energy Program for the Natural Resources Defense Council, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, 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/ Jackson Morris  
Jackson Morris

Date: December 29, 2020

**CERTIFICATE OF SERVICE**

Petition of PECO Energy Company for :  
Approval of its Act 129 Phase IV Energy :                   Docket No. M-2020-3020830  
Efficiency and Conservation Plan :  
:

I hereby certify that this day I served a copy of NRDC’s Petition to Intervene upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54 and consistent with the Commission’s March 20 Emergency Order at Docket M-2020-3019262.

***Via Electronic Mail***

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Date: December 29, 2020

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