*Via electronic service only due to Emergency Order at Docket No. M-2020-3019262*

**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation : M-2020-3020824

for Approval of its Act 129 Phase IV Energy :

Efficiency and Conservation Plan :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

HISTORY OF THE PROCEEDING

On November 30, 2020, PPL Electric Utilities Corporation (PPL, Company, or Petitioner) filed the above-captioned Petition with the Pennsylvania Public Utility Commission pursuant to Act 129 of 2008 (Act 129), 66 Pa.C.S. §§ 2806.1 and 2806.2 and the Commission’s Implementation Order entered on June 18, 2020, at Docket No. M-2020-3015228 (Implementation Order), seeking approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan (EE&C Plan). Notice of the filing was published in the *Pennsylvania Bulletin* on January 2, 2021, 51 Pa.B. 116 and on January 9, 2021, 51 Pa.B. 252.[[1]](#footnote-1)

On December 11, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene.

On December 16, 2020, the Commission on Economic Opportunity (CEO) filed a Petition to Intervene.

On December 18, 2020, Sustainable Energy Fund of Central Eastern Pennsylvania (SEF) filed a Petition to Intervene.

On December 21, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention, Public Statement, and Verification, as well as a Notice of Appearance.

On December 23, 2020, the Office of Consumer Advocate (OCA) filed a Notice of Intervention, Public Statement, and Verification, as well as a Notice of Appearance.

On December 29, 2020, the Natural Resources Defense Council (NRDC) filed a Petition to Intervene.

On December 30, 2020, a Call-In Telephonic Prehearing Conference Notice was served on the parties scheduling a prehearing conference for Thursday, January 7, 2021. Also on December 30, 2020, a Prehearing Conference Order was issued.

On January 6, 2021, PPL Industrial Customer Alliance (PPLICA) filed a Petition to Intervene.

On January 6, 2021, a Judge Addition Notice was issued adding Administrative Law Judge (ALJ) Emily I. DeVoe as an additional ALJ in this proceeding.

A prehearing conference was held as scheduled on January 7, 2021. PPL, OCA, OSBA, CAUSE-PA, CEO, NRDC, SEF and PPLICA were represented at the conference. No party objected to the Petitions to Intervene, and the Petitions were granted during the prehearing conference.

On January 8, 2021, the undersigned issued a Prehearing Order, establishing a litigation schedule which included a hearing date of January 21, 2021. Also on January 8, 2021, the Commission issued an Evidentiary Hearing Notice.

On January 8, 2021, CAUSE-PA, NRDC, OCA, OSBA, CEO, and SEF (Joint Movants) filed a Joint Expedited Motion for Extension of Procedural Schedule (Motion).[[2]](#footnote-2)

On January 11, 2021, the undersigned issued an Interim Order directing the parties to: 1) file responses, if any, to the Motion by Wednesday, January 13, 2021, and 2) file responses, if any, to the OALJ’s Proposed Revised Schedule detailed in the January 11, 2021 Order by Wednesday, January 13, 2021.

PPL, SEF, CAUSE-PA, NRDC, OCA, and OSBA timely filed responses to the January 11, 2021 Order.

On January 14, 2021, Chief Administrative Law Judge Charles Rainey (CALJ Rainey) issued an Order Denying the Joint Expedited Motion for Extension of Procedural Schedule. CALJ Rainey’s Order provided that: evidentiary hearings occur on or before February 8, 2021, briefs are to be filed on or before February 18, 2021, reply comments/revised plans are to be filed by March 1, 2021, and the record is to be certified by March 2, 2021.

Around 10:30 a.m. on January 15, 2021, the parties contacted the undersigned requesting that a conference be convened that afternoon. An informal conference was convened at 2:00 p.m. All parties and both of the undersigned were present. After answering some procedural questions, the undersigned disconnected from the call and the parties continued to discuss a revised litigation schedule. Around 2:40 p.m., the parties contacted the undersigned by email and advised they had agreed to a litigation schedule.

On January 19, 2021, the Commission issued a Notice rescheduling the evidentiary hearing for February 8, 2021, at 10:00 a.m.

On January 21, 2021, comments to the Company’s Phase IV Plan were filed by Rovegno’s of Carlisle, Inc., Pennsylvania Coalition of Local Energy Efficiency Contractors, Daikin U.S. Corporation, SEDA Council of Governments, Energy Efficiency for All Pennsylvania Coalition, Community Action Committee of the Lehigh Valley, Keystone Energy Efficiency Alliance, and Ceres.

On January 26, 2021, an Interim Order was entered adopting a revised litigation schedule which included a hearing date of February 8, 2021.

On February 8, 2021, the evidentiary hearing was convened as scheduled. PPL, CAUSE-PA, CEO, SEF, OSBA, OCA, NRDC, and PPLICA were represented by counsel. The parties stipulated to the admission of written testimony and exhibits and waived cross-examination of all parties’ witnesses. Some of the testimonies were admitted subject to the filing of verifications with the Secretary’s Bureau. All the required verifications were subsequently filed. On February 10, 2021, an Interim Order was issued confirming that all the parties’ exhibits and testimonies were admitted into the record.

On February 18, 2021, PPL and PPLICA filed Main Briefs.

On February 26, 2021, PPL, OCA, OSBA, PPLICA, CEO, CAUSE-PA, SEF, and NRDC (Settling Parties) filed a Joint Petition for Partial Settlement (Partial Settlement). The following are attached to the Partial Settlement: Statement in Support of PPL as Appendix A, Statement in Support of OCA as Appendix B, Statement in Support of OSBA as Appendix C, Statement in Support of CAUSE-PA as Appendix D, Statement in Support of CEO as Appendix E, Statement in Support of NRDC as Appendix F, Statement in Support of PPLICA as Appendix G, Statement in Support of SEF as Appendix H.

On March 1, 2021, PPL filed correspondence advising it would not be filing a Revised Phase IV Energy Efficiency and Conservation Plan.

On March 1, 2021, PPL and PPLICA each filed reply comments.

THEREFORE:

IT IS ORDERED THAT THE FOLLOWING DOCUMENTS COMPRISE THE EVIDENTIARY RECORD IN THIS CASE:

1. PPL Electric Utilities Corporation’s Phase IV Energy Efficiency and Conservation Plan filed November 30, 2020, at Docket No. M-2020-3020824.

2. The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania’s Petition to Intervene filed December 11, 2020.

3. The Commission on Economic Opportunity’s Petition to Intervene filed December 16, 2020.

4. The Sustainable Energy Fund’s Petition to Intervene filed December 18, 2020.

5. The Office of Small Business Advocate’s Notice of Intervention, Public Statement, and Verification filed December 21, 2020.

6. The Office of Consumer Advocate’s Notice of Intervention and Public Statement filed December 23, 2020.

7. The Natural Resources Defense Council’s Petition to Intervene filed on December 29, 2020.

8. The Telephonic Prehearing Conference Notice issued December 30, 2020.

9. The Prehearing Conference Order issued December 30, 2020.

10. The Judge Addition Notice issued January 6, 2021.

11. The PP&L Industrial Customer Alliance’s Petition to Intervene filed on January 6, 2021.

12. The transcript of the Prehearing Conference held January 7, 2021, consisting of pages 1-38.

13. The Evidentiary Hearing Notice issued January 8, 2021.

14. The Prehearing Order issued January 8, 2021.

15. Joint Expedited Motion for Extension of Procedural Schedule filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Natural Resources Defense Council, Office of Consumer Advocate, Office of Small Business Advocate, Commission on Economic Opportunity, and Sustainable Energy Fund of Central Eastern Pennsylvania on January 8, 2021.

16. The Interim Order Directing Parties to Respond to Joint Expedited Motion and OALJ’s Proposed Revised Schedule issued January 11, 2021.

17. The Order Denying the Joint Expedited Motion for Extension of Procedural Schedule issued January 14, 2021.

18. The Telephonic Evidentiary Hearing Cancellation/Reschedule Notice issued January 19, 2021.

19. Rovegno’s of Carlisle, Inc.’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

20. Pennsylvania Coalition of Local Energy Efficiency Contractors’ comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

21. Daikin U.S. Corporation’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

22. SEDA Council of Governments’ comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

23. Energy Efficiency for All Pennsylvania Coalition’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

24. Community Action Committee of the Lehigh Valley’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

25. Keystone Energy Efficiency Alliance’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

26. Ceres’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

27. The Interim Order Revising Litigation Schedule and Rescheduling Evidentiary Hearing issued January 26, 2021.

28. The transcript of the Evidentiary Hearing held February 8, 2021, consisting of pages 1-35.

29. The Interim Order Confirming Admitted Evidence issued February 10, 2021.

30. PPL Electric Utilities Corporation’s Main Brief filed February 18, 2021.

31. PPL Industrial Customer Alliance’s Main Brief filed February 18, 2021.

32. The Joint Petition for Partial Settlement, including Appendices A through H, filed by PPL Electric Utilities Corporation, Office of Consumer Advocate, Office of Small Business Advocate, PPL Industrial Customer Alliance, Commission on Economic Opportunity, Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Sustainable Energy Fund of Central Eastern Pennsylvania, and Natural Resources Defense Council on February 26, 2021.

33. PPL Electric Utilities Corporation’s correspondence filed on March 1, 2021, advising it would not be filing a Revised Phase IV Energy Efficiency and Conservation Plan.

34. PPL Electric Utilities Corporation’s reply comments filed March 1, 2021.

35. PPL Industrial Customer Alliance’s reply comments filed on March 1, 2021.

36. The submissions of PPL Electric Utilities Corporation, entitled as follows:

1. PPL Exhibit 1 Phase IV E&C Plan
2. PPL Statement No. 1 Direct Testimony of Dirk Childs
3. PPL Statement No. 2 Direct Testimony of Terry Fry
4. PPL Statement No. 3 Direct Testimony of Scott Koch
5. PPL Statement No. 1-R Rebuttal Testimony of Dirk Childs, including Errata Sheet
6. PPL Statement No. 4-R Rebuttal Testimony of Melinda Stump
7. PPL Statement No. 1-R SUPP Supplemental Rebuttal Testimony of Dirk Childs
8. PPL Exhibit SRK-1
9. PPL Exhibit DC-1R
10. PPL Exhibit DC-2R

37. The submissions of the Office of Consumer Advocate, entitled as:

1. OCA Statement No. 1 Direct Testimony of Stacy L. Sherwood and Accompanying Attachment A
2. OCA Exhibit A

38. The submissions of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, entitled as:

1. CAUSE-PA Statement No. 1 Direct Testimony of Mitchell Miller and accompanying Appendices A and B
2. CAUSE-PA Exhibits MM-1 through MM-9

39. The submissions of the Sustainable Energy Fund of Central Eastern Pennsylvania, entitled as:

1. SEF Statement No. 1 Direct Testimony of John M. Costlow
2. SEF Statement No. 1-SD Supplemental Direct Testimony of John M. Costlow

40. The submission of the Commission on Economic Opportunity, entitled as CEO Statement No. 1 Direct Testimony of Eugene M. Brady.

41. The submissions of the Natural Resources Defense Council, entitled as:

1. NRDC Statement No. 1 Revised Direct Testimony of Alice Napoleon and Kenji Takahashi
2. NRDC Exhibit AN/KT-1 and AN/KT-2

42. The submissions of the PP&L Industrial Customer Alliance, entitled as:

1. PPLICA Statement No. 1 Supplemental Direct Testimony of Jeffrey Pollock
2. PPLICA Exhibits JP-1 though JP-3

Dated: March 2, 2021 /s/

Emily I. DeVoe

Administrative Law Judge

/s/

Mark A. Hoyer

Deputy Chief Administrative Law Judge

**M-2020-3020824 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR APPROVAL OF ITS ACT 129 PHASE IV ENERGY EFFICIENCY AND CONSERVATION PLAN**

*Revised 2/11/21*

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1. It is unclear as to why the notice was republished on January 9, 2021. The notice as published on January 9, 2021, provides that comments and recommendations are to be filed within 20 days, which is January 29, 2021. [↑](#footnote-ref-1)
2. This Motion was also filed at Docket No. M-2020-3020830 (Petition of PECO Energy Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan), Docket No. M-2020-3020818 (Petition of Duquesne Light Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan), and Docket Nos. M-2020-3020820, M-2020-3020821, M-2020-3020822, and M-2020-3020823 (Consolidated Petitions of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of Act 129 Phase IV Energy Efficiency and Conservation Plans). [↑](#footnote-ref-2)