



March 1, 2021

VIA EMAIL AND ONLINE SUBMISSION

Public Utility Commission 400
North Street Keystone Bldg.
Harrisburg, PA 17120

RE: Docket No. M-2020-3023323 (Tentative Implementation Order for Act 114 of 2020)

About Wheelabrator Technologies

Wheelabrator Technologies is a waste management company committed to delivering essential waste management solutions to customers and communities supported by our team of 1,800 employees. We believe in preserving our environment for future generations while providing for today's needs. Wheelabrator is a vertically integrated business with a platform of 40 strategically located collection, transfer and disposal assets. These include waste-to-energy facilities, transfer stations, ash monofills, landfills, and fleets of rail cars and collection vehicles. We process more than 11 million tons of waste annually and convert 7.2 million tons of waste into clean, renewable energy that powers 340,000 homes. We recycle more than 390,000 tons of plastic, paper and metals from the waste stream.

Wheelabrator operates a waste-to-energy facility in Morrisville, PA which uses everyday waste from local homes and businesses as a local, sustainable fuel to create clean, renewable energy as part of a local-energy ecosystem. The plant provides dependable, environmentally safe disposal of up to 1,500 tons of waste daily, using this local fuel to produce as much as 53 MW of electricity, the equivalent of supplying the electrical needs of up to 40,000 Bucks County homes and businesses as well as its own operations.

Tentative Implementation Order for Act 114 of 2020

In 2017, the Pennsylvania Public Utility Commission (Commission) was tasked with implementing Section 11.1 of Act 40 of 2017 amending the Administrative Code by adding Section 2804 to amend the Alternative Energy Portfolio Standards Act, establishing geographical limits on solar photovoltaic systems. Section 14 of Act 114 of 2020, which amends the Fiscal Code at Article XVII-E by adding Section 1799.10-E, similarly establishes geographical limits on Alternative Energy Sources (AESs) that qualify as Tier II resources. With limited exceptions, the language of these sections is nearly identical.

On January 14, 2021 the Commission adopted a Tentative Implementation Order (TIO) for Act 114 of 2020 which was largely consistent with its interpretation of Act 40 of 2017 regarding the geographical limits on AESs that qualify as Tier II resources. The Commission's interpretation is anticipated to help ensure continued investment in Pennsylvania alternative energy sources, reduce the likelihood of Pennsylvania ratepayers subsidizing out-of-state generation as opposed to investing in-Pennsylvania industries, and safeguard the job creation potential of increased investment in Pennsylvania energy resources. Wheelabrator Technologies supports the proposed TIO as adopted by the Commission on January 14, 2021 as it relates to implementing Section 14 of Act 114 of 2020, and recommends a final order in this docket consistent with the TIO to fulfill the legislative intent of closing the AEPS Tier II border.

Sincerely,

Michael F. O'Friel
Senior Vice President and General Council
Wheelabrator Technologies