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FILE NO: 11303/1

December 19, 2008

VIA HAND DELIVERY

Mr. James J. McNulty
Commission Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Docket No. M-2008-2069887; Reply Comments on behalf of Trilliant, Inc. for Energy Efficiency and Conservation Program and EDC Plans

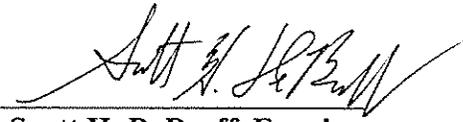
Dear Mr. McNulty:

Enclosed please find an Original and Fifteen (15) copies of the **“Reply Comments on Behalf of Trilliant Inc. in Response to the Staff’s Draft Proposal and Attached Questions.”** Please enter this into the docket and time-stamp the additional two (2) copies and return to us. An electronic copy of the Reply Comments will be sent to the Commission’s Act 129 e-mail account.

If you have any questions regarding this filing, please do not hesitate to call us at (717) 233-5731.

Best regards,

RHOADS & SINON LLP

By: 
Scott H. DeBroff, Esquire

SHD/msi
cc: ra-Act129@state.pa.us

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ENERGY EFFICIENCY AND
CONSERVATION PROGRAM AND
EDC PLANS**

Docket No. M-2008-2069887

**REPLY COMMENTS ON BEHALF OF TRILLIANT INC. IN RESPONSE TO
STAFF'S DRAFT PROPOSAL AND ATTACHED QUESTIONS**

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DATED: DECEMBER 19, 2008

COUNSEL FOR TRILLIANT INC.

**COMMONWEALTH OF PENNSYLVANIA
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AND NOW COMES, **Trilliant Inc.** (collectively "Trilliant"), by and through its counsel, **Scott H. DeBroff, Esquire** and **Alicia R. Petersen, Esquire** of Rhoads & Sinon LLP. In support of this docket, Trilliant avers the following:

1. Trilliant, with its corporate headquarters in Redwood City, California, is primarily focused on advanced metering infrastructure (AMI) solutions, which enable utilities to develop time-of-use (TOU) metering and demand response programs. These programs are transforming the traditional customer-utility relationship through interval based consumption data and 2-way messaging.
2. Trilliant is a party interested in the above-captioned docket as it provides open standards-based network solutions to utilities for advanced metering infrastructure (AMI), demand response, and grid management. Its solutions enable utilities to better serve their customers, develop new revenue sources, and reduce overall expenses.

3. On November 26, 2008, a Secretarial Letter was issued in this docket that requested comments on Staff's further Act 129 implementation questions and provided, for party review, a Draft Proposal for Phase 1 of the Act.

4. On December 8, 2008, parties to the docket submitted comments on the Draft Proposal and the additional questions.

5. A Working Group meeting was held on December 10, 2008 in Harrisburg, to discuss the Staff Draft Proposal, the additional questions, and parties' comments to Phase 1 of Act 129.

6. During the Working Group the Commission Staff announced that they wanted Parties to file Reply Comments on the Phase 1 comments by December 19, 2008.

7. Trilliant's counsel and to whom all correspondence and pleadings in this docket should be directed to are:

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8. Following are the Reply Comments submitted by Trilliant in response to the party comments to the Staff Draft Proposal and additional questions.

REPLY COMMENTS OF TRILLIANT INC.

1. Trilliant agrees with First Energy's, DEP's, and OCA's responses to Question 2(a) (Program Design) on Statewide vs EDC specific design of programs. Trilliant agrees that the Commission should encourage statewide programs across Pennsylvania. Trilliant believes that smart meters will be an instrumental part of a statewide program design. The advanced capabilities of smart meters will be a great asset to the Commission in the measurement, verification, and evaluation of program data to see which EDCs have found the most successful methods of implementing the Energy Efficiency and Conservation (EE&C) programs in their service areas. smart meters will be able to provide data that is essential to understanding which programs are truly the best fit for a utility service territory and will not only help the Commonwealth reach its statutory objects, but hopefully surpass them. In addition, if the Commission creates a basic timeline for smart meter deployment now the EDCs will be in a better position to create plans to submit in July that will set out their process for deployment of advanced meters.

2. Many of these advanced programs, including Time Of Use (TOU) rates, Home Area Network (HAN) capability and load control programs require the technology that only a smart meter possesses in order to truly maximize the benefits of reducing customer consumption of electricity.

3. West Penn Power, First Energy, DEP, and several of the other parties commented on Question 2(c) (Program Design) and agreed that the Commission should seek to harmonize Act 129 programs with other Federal, State, RTO, and other group programs. Trilliant agrees with these parties. In particular, Trilliant believes that the Commission should encourage EDCs to

harmonize their plans with current Federal legislation including the Energy Policy Act of 2005 (EPAct 2005) and the Energy Independence and Security Act of 2007 (EISA 2007).

4. Both of these federal acts address the many reasons why EDCs need to deploy smart meters in their service territories. EPAct 2005 requires states to consider providing their customers with smart meters so that they may participate in time based pricing schedules. EISA 2007 requires every state to consider updating their grid to a Smart Grid which will use advanced information tools to improve the efficiency, reliability, safety, and provide customers with more information about the sources of their power and real time information their electric consumption and the price of that power. The Commonwealth of Pennsylvania is required by Federal law to open proceedings that address the issues in these two Acts. By encouraging EDCs to include smart meters in their Act 129 plans, the Commission would not only be encouraging technology to help meet the required reduction targets but would also be meeting the objectives of the new Federal requirements.

5. Trilliant agrees with PECO's and West Penn Power's response to Question 4(b) regarding the Measurement, Verification, and Evaluation section of the Staff's Additional Questions. Trilliant agrees that programs that are good for deemed savings include: CFLs, appliances, HVAC, and energy efficiency motor replacements. We also agree with PECO and West Penn Power that programs that will need a more complex verification process include: energy efficient process improvements in industrial facilities, Time of Use (TOU) pricing programs and demand reduction programs.

6. In order for the more complex programs such as those that PECO and West Penn Power described above, all of the Electric Distribution Companies (EDCs) will need to promote the

implementation of smart meter technology right out of the box. Smart metering is important now in order to support these programs and it will be important in the later phase of the proceeding when we get to the implementation of advanced metering deployment.

7. The installation plans for this technology should also carry significant weight in this Phase of the proceeding and therefore should be addressed at this same time. The implementation of smart metering will be instrumental in developing and supporting Section 2806.1(a) (2) of Phase 1. This section states that the EE&C programs will include an “evaluation process, including a process to monitor and verify data collection, quality assurance and results of each plan and the program.” Trilliant wants to stress its beliefs that in order to achieve the desired results of this Act, and in order to prove out the accuracy of the utility’s performance, we must incorporate a better way to measure and verify data collected from each plan, and the use of a highly capable advanced meter will be essential.

8. Smart meters can include a variety of functionalities that could play an important role in the rollout and implementation of energy efficiency plans that the EDCs have to submit under the Act. A smart meter has the ability to provide more timely and accurate data. The advanced meter has the capability of reading hourly and sub-hourly metering data. It can support two-way communication and provide information not only to the utility but also to the customer. Another important functionality is that of meter storage, which is helpful with measurement, verification and evaluation of such programs. The advanced meter also has the capability to help to give a customer real time price signals and support demand response programs. It has the capability to interoperate with other technology that the EDCs will place into service along side it, such as meter data management capabilities, which could be an important asset to the utility as it tracks the customers’ usage on the system. A smart meter is a superior tool with the best capabilities to

record data and measure the actual results of each energy efficiency or demand response plan and program.

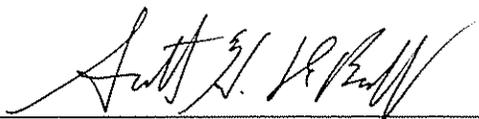
9. In order to determine the ultimate success or lack thereof, to many of the energy efficiency and conservation programs, the Commission must take into consideration the important measurement and verification and evaluation of such programs, and the integration of smart meter technology as program plans are being designed and implemented is critical. At this time, it is essential that the Commission incorporate into its proposal for the EE&C plans, the foundation blocks for how advanced smart metering technology will interplay with the program plans that the EDCs will be required to file.

10. Trilliant agrees with PPL's response to Question 7(c) (CSP Issues) of the additional staff question that deals with the barriers Curtailment Service Providers (CSPs) may face. Trilliant supports PPL's response that there may be issues in the logistics of data collection, meter access, and customer information that will create barriers for CSPs to enter the market. Trilliant further agrees with PPL that the Act should address a timeline for EDCs to provide smart meter technology. (pg 18-19).

11. Smart meter technology will allow for the "equality of data" for the CSPs. Smart meters, through their superior capabilities, will allow for large amounts of critical information concerning customer behavior and energy usage to flow to all relevant parties. Smart meters are also able to store large amounts of data for long periods of time. These capabilities, particularly the two way communication functionality and the ability to read hourly and sub-hourly data, will provide both CSPs and the utilities that they work with, an excellent ability to exchange data in order to better manage the demand usage and energy efficiency programs that they support.

WHEREFORE, Trilliant respectfully requests that the Commission enter its Reply Comments in the above-captioned proceeding. We look forward to continuing our participation in this process going forward and contributing our experience and expertise. Thank you again for the opportunity to comment on this important matter.

Respectfully submitted,

By: _____

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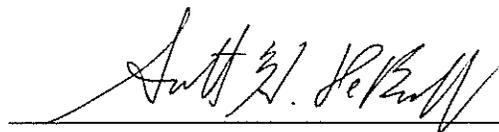
Docket No. M-2008-2069887

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing "REPLY COMMENTS ON BEHALF OF TRILLIANT INC. IN RESPONSE TO THE STAFF'S DRAFT PROPOSAL AND ATTACHED QUESTIONS" electronically to the Commission's Act 129 e-mail account at ra-Act129@state.pa.us.

Dated: December 19, 2008

By:



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