

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY COMPANY :
FOR APPROVAL OF ITS ACT 129 ENERGY :
EFFICIENCY AND CONSERVATION PLAN : Docket No. M-2009-2093215
AND EXPETITED APPROVAL OF ITS :
COMPACT FLUORESCENT LAMP PROGRAM :

**PETITION TO INTERVENE
OF THE REINVESTMENT FUND**

The Reinvestment Fund (“TRF”) respectfully submits this petition to intervene seeking to participate in the above-captioned matter. In specific support of this petition, TRF states as follows:

Background

1. On July 1, 2009, PECO Energy Company (“PECO”) filed with the Pennsylvania Public Utility Commission (“Commission”) a petition for approval of its Act 129 Energy Efficiency and Conservation Plan. This petition and its accompanying plan were submitted by PECO pursuant to the mandate of Act 129 of 2008 (codified at 66 Pa.C.S.A. § 2806.1) and pursuant to the Implementation Order entered by the Commission on January 16, 2009 at Docket No. M-2008-2069887.

2. Act 129 requires the Pennsylvania electric distribution companies (“EDCs”) to develop and implement an energy efficiency and conservation plan that reduces the total annual weather-normalized consumption of the retail customers by a minimum of 1% as of May 31, 2001, and further reduces consumption by a minimum of 3% by May 31, 2013. 66 Pa.C.S.A.

§2806.1(c)(1) and (2). A minimum of 10% of these consumption reductions are to come from customers who are government entities (federal, state and local), educational entities (school districts and institutions of higher education) and nonprofit entities. 66 Pa.C.S.A.

§2806.1(b)(1)(i)(B). The EDCs' plans must also include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines in proportion to those households' share of the total energy usage in the service territory. 66 Pa.C.S.A.

§2806.1(b)(1)(i)(G).

3. Act 129 also requires the EDCs to reduce the annual system peak demand in the 100 hours of highest demand by a minimum of 4.5% by May 31, 2013. 66 Pa.C.S.A. §2806.1(d).

4. To meet the consumption and peak demand reduction goals of Act 129, PECO submitted a plan that contains ten energy efficiency and conservation programs and eight demand reduction programs. PECO's petition also proposes a surcharge mechanism to recover the costs of the plan as provided for in 66 Pa.C.S.A. §2806.1(k). The petition also requests expedited approval of the compact fluorescent lamp program.

The Petitioner

5. The Petitioner is The Reinvestment Fund (TRF). TRF is a nonprofit community development financial institution with headquarters in Philadelphia. Since its inception in 1985, TRF has:

- created, renovated, or preserved over 18,470 housing units;
- created, renovated, or preserved over 7.5 million square feet of commercial space;
- financed 495 businesses;
- created or retained over 42,500 jobs;
- created or preserved over 26,400 charter school slots; and,
- created or preserved over 10,800 child care slots;

TRF was the entity selected by the parties in the PECO Energy restructuring proceeding (Docket No. R-00973953) in 1998 to create and manage the Sustainable Development Fund (“SDF”).

More information about TRF can be found at its website at www.trfund.com.

6. SDF is a fund operated by TRF pursuant to the Orders of the Commission. SDF’s mission, as stated in its Commission-approved bylaws (see Order of December 16, 2004 at Docket M-00031715 F0002) has three elements:

- a) To promote the use of renewable energy and clean energy among commercial, industrial, institutional and residential customers in the PECO Energy service territory. Renewable energy includes energy produced from solar, wind, low-impact hydro, sustainable biomass, ocean power and geothermal. Clean energy refers to advanced technologies (such as fuel cells) which use fossil fuels but which have significantly lower emissions and wastes than currently-commercialized technologies.
- b) To promote energy conservation and energy efficiency among commercial, industrial, institutional and residential customers in the PECO Energy service territory.
- c) To promote the start-up, attraction, expansion and retention of sustainable energy businesses in the PECO Energy service territory. Job creation and other local economic development impacts are an important component of this element of the mission. A sustainable energy business is a business which designs, develops, manufactures, sells, installs or otherwise derives income from energy conservation, energy efficiency, renewable energy or clean energy.

7. Pursuant to the 1998 settlement of the PECO Energy restructuring proceeding (Docket No. R-00973953) and the 2000 settlement of the PECO Energy/Unicom merger proceeding (Docket No. A-110550F0147), SDF has received a total of \$31,815,216 from PECO Energy.

8. Since its formal beginning of operations in December, 1999, SDF has:

- Approved 41 loans and investments in companies for renewable energy and energy conservation projects for a total of \$21,151,495. The total budgets of these projects supported by SDF is approximately \$126,715,607.
- Approved \$11,768,441 in wind energy production incentives for seven new utility-scale wind projects, one community wind project and five small wind

installations in Pennsylvania, making Pennsylvania an early leader in wind energy east of the Mississippi River. The total budgets of these wind projects supported by SDF are approximately \$353,396,500.

- Approved 87 core grants for green building design work, business planning, demonstration of clean energy technologies and other related purposes for a total of \$1,769,858. The total budgets of these projects supported by SDF are approximately \$98,406,292.
- Approved 42 grants for renewable energy public education, including television and radio spots, workshops, conferences, written materials, etc. for a total of \$2,427,659. The total budgets of these educational projects supported by SDF are approximately \$4,369,378.
- Approved 253 solar photovoltaic grants for a total of \$4,276,129. The total budgets of these PV systems supported by SDF are approximately \$8,453,665.

More information about SDF can be found at its website at www.trfund.com/sdf.

9. TRF has been an active participant in the Commission's implementation of Act 129.

It has submitted written comments and oral testimony on a variety of implementation issues.

Many of these comments are available on the Commission's Act 129 webpage at

http://www.puc.state.pa.us/electric/Act_129_info.aspx. TRF was also an active participant in

PECO's stakeholder group that assisted in the development of the plan now before the

Commission. TRF was also granted intervenor status in the Petition of PECO Energy Company

for Approval of its Market Rate Transition Energy Efficiency Package at Docket No. P-2008-

2062740.

Request to Intervene

10. Under 52 Pa. Code §5.72(a), a person is eligible for intervention if that person has “an interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bounded by the action of the Commission in the proceeding.”

11. TRF has a direct interest in the outcome of this proceeding based on its role as a major funder of energy efficiency and demand management projects, technologies and companies in the PECO service territory. TRF will be directly affected by the proposed PECO energy conservation program and its impacts on the market for energy conservation, energy efficiency and demand response measures and financing in southeastern Pennsylvania.

12. No other participant can adequately represent the interest of TRF in this proceeding.

Counsel

13. TRF will be represented in this proceeding by the following counsel:

Roger E. Clark, Esq.	phone:	215.574.5814
The Reinvestment Fund	fax:	215.574.5914
718 Arch Street, Suite 300 North	email:	roger.clark@trfund.com
Philadelphia, PA 19106-1591		

WHEREFORE, for all of the foregoing reasons, TRF believes that its intervention in this proceeding satisfies the legal standards for intervention and will serve the public interest. TRF respectfully requests that the Commission grant this Petition to Intervene in the above-captioned matter and give it full party status in this proceeding.

Respectfully submitted,



Roger E. Clark, Esquire
PA Attorney ID No. 24852

The Reinvestment Fund
718 Arch Street, Suite 300 North
Philadelphia, PA 19106-1591

phone: 215.574.5814
fax: 215.574.5914
email: roger.clark@trfund.com

Date: July 22, 2009

Counsel for TRF/SDF