Regional Housing Legal Services

Opening Doors for an Equitable Future

Act 129 and Utility Help for Pennsylvania Households

Utility Company Energy Efficiency and Conservation Plans

Who is Regional Housing Legal Services?

- RHLS is a nonprofit legal organization serving communities across Pennsylvania. We provide innovative legal and policy support to help build sustainable communities and ensure access to decent, safe, and affordable housing for low-income residents.
- *Vision*- A future where everyone, regardless of income, race, identity, or background, has a safe, affordable home in a place they want to live.
- *Mission*- We work alongside communities in the fight to create and protect safe, affordable homes. We provide legal representation for groups serving those with low incomes, share knowledge, unite partners, and advocate for policy changes.

Act 129: Utility Company Energy Efficiency and Conservation ("EE&C") Plans

An opportunity to comment.

- On December 1, 2025, companies filed for their plan approvals.
- On January 3, 2026, plans were published in the Pennsylvania Bulletin.
- Comments to the plans are due no later than January 18, 2026.
- We are discussing comments with the opportunity to join.

Energy Efficiency and Conservation Program; Doc. No. M-2025-3052826

[56 Pa.B. 156]
[Saturday, January 3, 2026]

The following electric distribution companies filed Energy Efficiency and Conservation Plans with the Pennsylvania Public Utility Commission (Commission) on December 1, 2025, in compliance with 66 Pa.C.S. § 2806.1(b)(1)(ii) (relating to energy efficiency and conservation program):

Duquesne Light Company at Doc. No. M-2025-3057325

First Energy PA Company at Doc. No. M-2025-3057327

PPL Electric Utilities Corporation at Doc. No. M-2025-3057329

PECO Energy Company at Doc. No. M-2025-3057328

Each plan is available on the Commission's website at the following links:

Duquesne Light Company: https://www.puc.pa.gov/docket/ M-2025-3057325

First Energy PA Company: https://www.puc.pa.gov/ docket/M-2025-3057327

PPL Electric Utilities Corporation: https://www.puc.pa. gov/docket/M-2025-3057329

PECO Energy Company: https://www.puc.pa.gov/docket/M-2025-3057328

In accordance with the Energy Efficiency and Conservation Program Implementation Order, entered on June 18, 2025, the Commission's subsequent Opinion and Order of August 28, 2025, and the Secretarial Letter entered on December 18, 2025, at Doc. No. M-2025-3052826, responsive pleadings and petitions to intervene are to be eFiled in accordance with the December 18, 2025, Secretarial Letter and comments and recommendations are to be eFiled with the Commission on or before January 18, 2026. Filings must reference the docket number associated with the individual electric distribution company plan it is addressing. If a filing addresses more than one plan, it must be filed at all plan dockets that are addressed.

MATTHEW HOMSHER,

LINK: Pennsylvania Bulletin

Coalition for Equitable Energy and Housing in Pennsylvania: "CEEH-PA"

- The coalition is a group of organizations that shares a common goal of ensuring that low-income individuals and families who reside in multifamily buildings have access to energy efficiency services to reduce their energy consumption, making their utility bills more affordable and improving home health, safety, and comfort.
- CEEH-PA submitted comments to the Pennsylvania Utility Commission ("PUC") on Act 129 Efficiency and Conservation Program Phase V.
  - CEEH-PA Comments
  - Directed to the PUC's Tentative Implementation Order.
- Opportunity to join CEEH-PA's joint comment on Company EE&C Plans.

EE&C Plan Dockets

Petition of PPL Electric Utilities for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan: **Docket No. M-2025-3057329**

Petition of PECO Energy Company for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan: **Docket No. M-2025-3057328**

Petition of Duquesne Light Company for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan: **Docket No. M-2025-3057325**

Petition of FirstEnergy Corporation for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan: **Docket No. M-2025-3057327**

Four Main Themes for Plan Recommendations

Make it easier for multi-family housing to qualify as "low-income" or "resource-constrained."

Make sure free programs are available to both individually-metered buildings (tenant pays electric) and master-metered buildings (electric is included in rent).

Provide and pay for detailed energy audits that include thorough physical inspections and clear suggestions for energy improvements with cost and savings estimates - specifically ASHRAE Level 2.

Focus low-income programs on whole-home improvements that save more energy and money over the long term and make the rules for measuring savings clearer.

Make it easier for multi-family housing to qualify as "low-income" or "resource-constrained."

- Household level definition of low-income is clear and set at 150% of Federal Poverty Level.
- Standard and procedures for multi-family affordable housing housing to meet is unclear and varies by plan.
  - Unclear standard (FirstEnergy, PPL),
  - At least 45% of building (DLC),
  - At least 66% of building (PECO).
- Recommendations include
  - Clear standards across all plans
  - Improved process on determination
  - Categorical eligibility for certain affordable housing programs

Federal Poverty Level - 2025	
Family size	**150%**
Individuals	$23,475
Family of 4	$48,225
Source: HHS.gov	

Make sure free programs are available to both individually-metered buildings (tenant pays electric) and master-metered buildings (electric is included in rent).

- Measures in individually-metered and master-metered buildings present separate implementation challenges.
  - Affordable housing properties operate on thin margins and are constrained in ability to raise rents, making it important to fund improvements that may be considered to primarily benefit building owners in the market rate context.
  - Improvements in both individually and master-metered affordable housing buildings benefit residents directly.
- Recommendations include:
  - Advocating for expanded access to no cost measures for both individually and master-metered affordable housing buildings.
  - Clarifying requirements for both individually and master-metered affordable housing buildings to qualify for no cost programs.

Focus low-income programs on whole-home improvements that save more energy and money over the long term and make the rules for measuring savings clearer.

- Historically Act 129 funds in low-income multifamily buildings have focused on ‘light touch’ improvements, e.g. lighting efficiency.
- A focus on measures that reduce heating and cooling load provide substantial and long-term benefits and should be encouraged in companies Act 129 programing.
- Recommendations include:
  - Encouraging companies to emphasize availability of building based and whole home measures.
  - Plans should be adjusted to prioritize building envelope and building systems improvements that demonstrate greatest savings.

Provide and pay for detailed energy audits that include thorough physical inspections and clear suggestions for energy improvements with cost and savings estimates - specifically ASHRAE Level 2.

- Thorough energy audits provide information on the most impactful measures and are required by other pending energy programs (e.g. HEAR and HER).
- Currently company plans diverge on funding availability for thorough building assessments.
- The upfront cost of paying for these agreements is a barrier to qualifying for and implementing more comprehensive measures, income constrained affordable housing owners need support to address this barrier.
- Recommendations include:
  - Create a process for approving payment of detailed energy audits when a building is eligible for comprehensive energy efficiency programs that require these audits.
  - Emphasize the rational that paying for these audits will result in increased savings from additional measures as support for company investment.

Make marketing plans with clear rules and criteria that are sent directly to the residents living in multifamily buildings.

- Historically, companies marketing has been minimal, with sometimes hard to find web-portals, relationship-based outreach, and spotty reporting.
- Providing better clarity to the public and potential users and beneficiaries on these programs, available measures, and the process for applying for funding will increase utilization and uptake in the affordable housing community.
- Recommendations include:
  - Provide for increased direct marketing to residents and affordable housing building owners.
  - Provide for increased reporting and transparency on outreach activities and outcomes.

How to Comment

Sign on to the joint comment:

After feedback from this session is incorporated the joint comment will be published for review and an opportunity to sign on to the joint comment.

- Final comment will be distributed Friday Jan. 9, deadline to sign on Wednesday, Jan. 14.
- Only Organizations may sign on to the joint comment.
- Must be signed by an authorized representative of organization.

Submit your own comment:

The Pennsylvania Utility Commission publishes several helpful resources on their eFiling system, links below:

- eFiling | PA PUC
- eFiling_Guide.pdf
- Welcome to eFiling – eFiling

Thank You!

Contact: Jack Stucker, Supervising Attorney, RHLS
Jack.Stucker@rhls.org



Pennsylvania Utility Law Project

PULP is a statewide legal services project of Regional Housing Legal Services and is a member of the Pennsylvania Legal Aid Network.

PULP's mission is to secure just and equitable access to safe and affordable utility services for Pennsylvanians experiencing poverty.

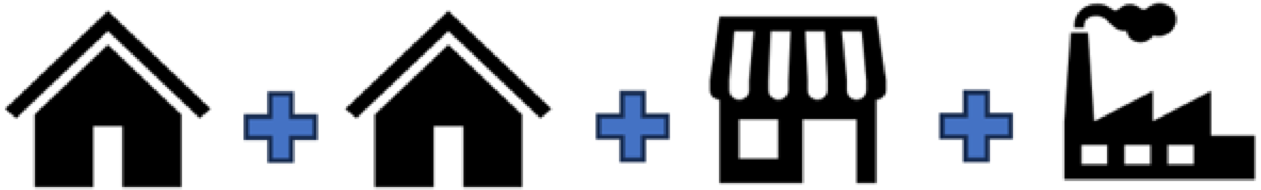
We work to achieve our mission by empowering individuals and communities through:

- Legal Representation: Groups and Individuals
- Education and Training
- Policy Advocacy
- Supportive Services
- Consultation

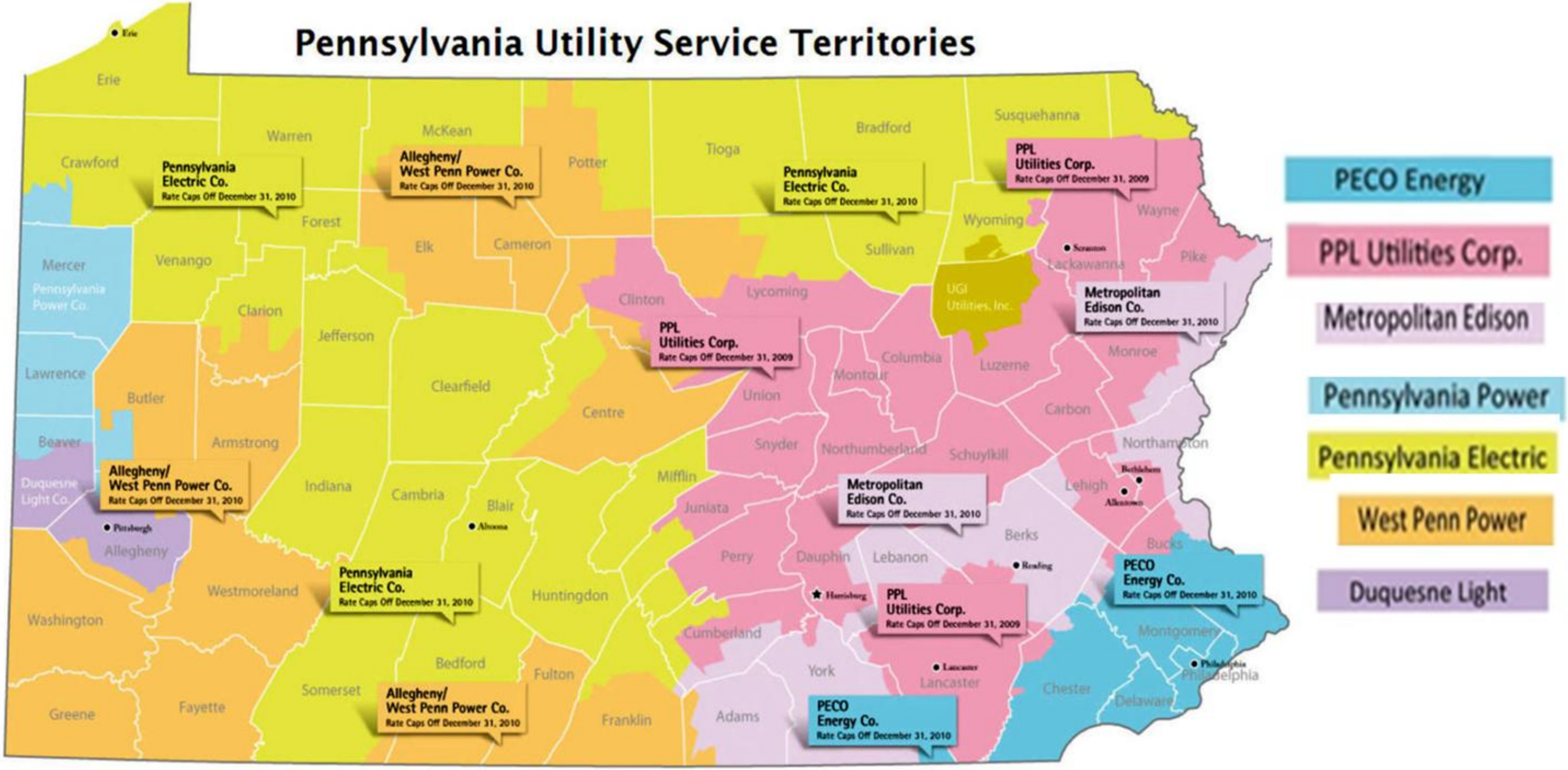
PULP
PENNSYLVANIA
UTILITY LAW PROJECT

What is Act 129?

- Act 129 is a 2008 law that requires large electric utilities to offer **Energy Efficiency and Conservation** (EE&C) programs.
  - The law requires the Public Utility Commission (PUC) to set **energy savings targets** for each electric utility.
  - Electric utilities must design and operate energy efficiency programs for each customer class to reach these energy savings targets.
- **Purpose: reduce electric consumption and demand.**

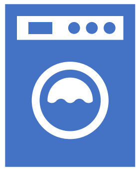


Pennsylvania Utility Service Territories

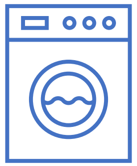


What Does Act 129 Programming Look Like?

- Residential EE&C programs can include things like:

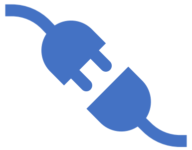


- Rebates and Incentives for high-efficiency appliances and lighting



- Recycling inefficient appliances

- Home Energy Audits



- Efficiency Kits:
  - Lightbulbs
  - Faucet Aerators
  - Power Strips

- Weatherization and HVAC Upgrades

- Similar relevant programming for commercial and industrial customers
- Multifamily programming delivered through residential and commercial budgets

Why is Act 129 Important?

- Reduces home energy cost, helping people stay connected to service.
- It reduces the need to build expensive new utility infrastructure.
- It fills a gap in LIURP by making EE measures available to households that do not meet LIURP's high-usage threshold.

How is Act 129 Implemented?

Act 129 is implemented in program "Phases."

PUC creates a framework for each Phase

- Energy savings targets for each EDC
- Low-Income Carveout
  - Single and MF
- Policy goals for measure and program types

Each electric utility submits an EE&C Plan, with detailed programs designed to comply with the PUC's framework.

The EE&C Plans contain EE&C programs for each customer class:

- Residential
- Low-Income Residential
- Commercial
- Industrial

How Can Multifamily Housing Providers Leverage Act 129 Programming?

- EDCs are required to target and engage with multifamily housing through their EE&C plans.
- EE&C plans provide incentives for in-unit and common area multifamily housing energy efficiency upgrades for both individually metered and master-metered buildings.
  - Building shell measures, HVAC upgrades, lighting, etc.
- Cost share and % of low-income verified residents for the building to qualify for low-income programming varies across EDCs.
- For Phase V – Coordination with HER/HEAR – co-funding ASHRAE Level 2 audits + subsequent EE measures

Phase V – EDC Plan Review Process

Each of the large electric utilities filed their proposed Phase V Plans with the PUC by **December 1, 2025**

EE&C Plans are being reviewed through formal **litigation**

Public comments on the proposed plans can be filed with the PUC by **January 18, 2026**

The PUC will approve final plans in **Spring 2026**

Phase V programming begins on **June 1, 2026**

Proposed Phase V EE&C Plans

- Duquesne Light Phase V Plan, PUC Docket M-2025-3057325
- PPL Electric Phase V Plan, PUC Docket M-2025-3057329
- PECO Electric Phase V Plan, PUC Docket M-2025-3057328
- FirstEnergy Phase V Plan, PUC Docket M-2025-3057327

Filing Public Comments

- Go to: https://efiling.puc.pa.gov/
- Click on "Create Account" in the top right
  - Verify your email address after completing registration
- Return to the efiling website and log in.
- Once logged in, click on "Existing Filing" and enter the docket number for the case you're commenting on.
- Choose "Comment" as the type of filing and upload as .pdf
- Confirm your submission and save a copy of the confirmation

Want to get alerts for utility advocacy in your area?
Want to sign up for our e-newsletter?

Hover your phone camera over the QR code to the right or copy and paste the link below into your browser.

http://bit.ly/3VKyzws