PULP
PENNSYLVANIA
UTILITY LAW PROJECT

Regional Housing Legal Services
Opening Doors for an Equitable Future

Act 129 Updates and Next Steps

Housing Alliance of Pennsylvania Webinar

May 15, 2026

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.

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

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Agenda

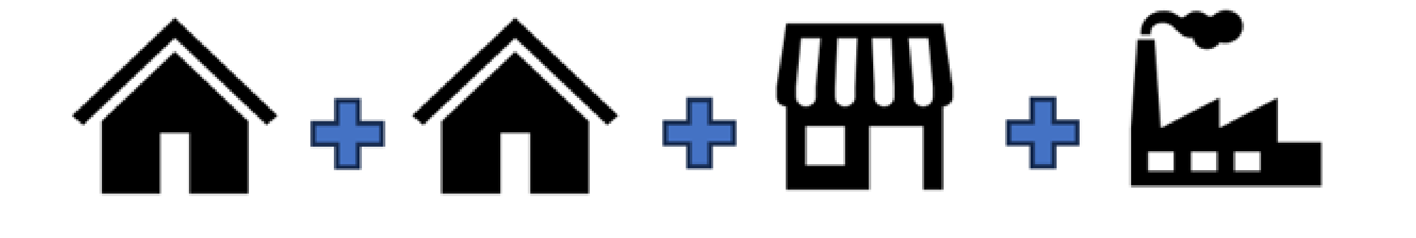
- What is Act 129?
- Phase V Timeline
- CEEH-PA's Comments on the Proposed Phase V Plans
- Phase V Successes
- Updates and Opportunities for Ongoing Engagement

Acronym Glossary

- **ASHRAE:** The American Society of Heating, Refrigerating and Air-Conditioning Engineers
- **CEEH-PA:** Coalition for Equitable Energy and Housing in Pennsylvania
- **DLC:** Duquesne Light Company
- **EDC:** Electric Distribution Company (Duquesne, FirstEnergy, PECO, PPL)
- **EE&C:** Energy Efficiency & Conservation
- **FPL:** Federal Poverty Level
- **HEAR:** Home Electrification & Appliance Rebate Program
- **HER:** Home Efficiency Rebates Program
- **HPWH:** Heat Pump Water Heater
- **LI:** Low Income
- **MF:** Multifamily
- **MWh:** Megawatt-Hour
- **PUC:** Public Utility Commission

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.**



Where Things Stand Now

- The PUC published the Phase V Implementation Order in June 2025.
- In December 2025, each EDC (*Duquesne, FirstEnergy, PECO, and PPL*) filed proposed EE&C Plans.
- In January 2026, Housing Alliance hosted a webinar on potential comments, and CEEH filed comments on January 16, 2026.
- At the same time, PULP was an active party in the litigation of each company's Phase V plan.
- As of March 26, 2026, the PUC has issued Final Orders adopting settlements and Phase V plans for each EDC have been substantively finalized.
- Phase V begins on June 1, 2026.

CEEH-PA's Comments: Overview

- Adjust proposed LI measures to prioritize deeper, longer-term savings.
- Ensure that favorable cost sharing and no cost programs are available to all affordable MF buildings, regardless of metering.
- Make it easier for MF affordable housing to qualify for LI programs.
- Fund a higher proportion of thorough physical inspections and residential energy audits at ASHRAE Level 2.
- Create marketing plans with clear, specific criteria and send them directly to MF affordable residences.

CEEH-PA's Comments: Focus LI programs on whole-home improvements that save more over the long term and make the rules for measuring savings clearer.

Historically, Act 129 funds in LI MF buildings have focused on 'light touch' / shallow improvements (e.g. light bulbs, low flow showerheads).

We wanted a focus on deeper measures that reduce heating and cooling load to provide substantial and long-term benefits (e.g. heat pumps, insulation).

Recommendations:

- Encouraged 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.

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

Measures in individually-metered and master-metered buildings present separate implementation challenges.

- Affordable housing properties operate on thin margins and are constrained in their 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:

- Advocated 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.

CEEH-PA's Comments: Make it easier for MF housing to qualify as "low income" or "resource-constrained."

Household level definition of low income is clear and set at 150% FPL.

Standard and procedures for MF affordable housing to meet were unclear and varied by plan.

- Unclear standard (FirstEnergy, PPL)
- At least 45% of building (DLC)
- At least 66% of building (PECO)

Federal Poverty Level - 2026	
Family size	**150%**
Individual	$23,940
Family of 4	$49,500
Source: HHS.gov	

Recommendations:

- Clear standards across all plans.
- Improved process on determination.
- Categorical eligibility for certain affordable housing programs.

CEEH-PA's Comments: **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).

Company plans diverged 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:

- 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 rationale that paying for these audits will result in increased savings from additional measures as support for company investment.

CEEH-PA’s Comments: Make marketing plans with clear rules and criteria that are sent directly to the residents living in MF buildings.

Historically, EDC marketing has been minimal with difficult to find web-portals, relationship-based outreach, and spotty reporting.

Providing better clarity to the public, potential users, and beneficiaries of these programs about available measures and the process for applying for funding will increase utilization and uptake in the affordable housing community.

Recommendations:

- Increase direct marketing to residents and affordable housing building owners.
- Increase reporting and transparency of outreach activities and outcomes.

Phase V Successes

- Shifted budgets and savings targets from ‘ light touch’ / shallow measures (behavioral programming, etc.) to deep measures (heat pumps, insulation, etc.).
- Health and safety remediation budgets in all EDCs’ Plans,
- Clarity around cost sharing for MF housing, including co-funded ASHRAE Level 2 audits for HEAR coordination.
- Simplified eligibility of MF housing for low LI programming.
- Ongoing collaborative meetings regarding cross-program coordination and Plan implementation.

As previously noted, the Commenting Parties each filed Comments to the Joint Petitioners' EE&C Plan on January 16 and 18, 2026. In their Comments, the Commenting Parties make recommendations regarding: (1) adjusting and clarifying proposed low-income measures to prioritize whole home measures that will provide deeper, longer-term savings; (2) ensuring that favorable cost sharing and no cost measures are available to both individually metered and master metered affordable housing buildings; (3) modifying the Plan to make it easier for multifamily affordable housing to qualify as "Low-Income" or "Resource Constrained;" (4) offering and funding a higher proportion of thorough physical inspections and residential energy audits; (5) creating marketing plans with clear, specific criteria and application rules that are sent directly to multifamily affordable residences; (6) the delivery of comprehensive EE

Duquesne Light Company (DLC)

- Reduced target savings for ‘light touch’ behavioral programming by 40% - from 4,200 MWh to 2,500 MWh.
- DLC’s plan as filed targets over 20% of LI savings to come from deep measures.
- Commitment to hold collaborative meetings through Phase V focused on improving MF housing participation:
  - Focus on coordination with housing programs, delivering comprehensive measures to MF housing.
- DLC’s plan restores the Public Agency Partnership Program – includes partnering with public housing authorities.
- Co-funding ASHRAE Level 2 audits. Assistance in identifying eligible customers, technical support with HEAR application.
- When 45% of MF building is LI, entire building will qualify for LI program.

FirstEnergy Pennsylvania (FE PA)

- Reduced target savings for ‘light touch’ measures (behavioral, lightbulbs, etc.) by 2,500 MWh.
- Increased target savings for deep measures (heat pumps, etc.) by equivalent 2,500 MWh.
- Clarified MF programming terms:
  - LI program covers up to 80% of costs in MF common areas.
  - Co-funding up to 80% of ASHRAE Level 2 audit costs.
  - Developing marketing materials explaining program parameters to MF housing providers.
- When 50% of MF building is LI, entire building will qualify for LI program:
  - Agreed to develop list of housing types for categorical eligibility.
- Exploring measures for tenants that do not require landlord approval.
- Collaborative meetings for cross-program coordination at least annually.
- FE PA’s plan included a new construction component in its LI program – will target construction of new energy efficient LI housing.

PECO

- Agreed to count no savings from LI participation in behavioral program towards its LI carveout.
- Increased LI comprehensive measure funding by $2 million and clarified definition of “comprehensive” to match PUC’s definition.
- Agreed to facilitate scheduling LI participants in appliance recycling for in-home audits, more expansive measures.
- Several commitments re: cross-program coordination – hiring Coordination Lead, developing coordination framework, ongoing coordination collaborative meetings.
- Commitment to collect / report MF housing information while implementing Phase V:
  - Savings and participation by measure, program, and income segment.
- PUC Order: Required PECO to revise plan to include heat pumps / HPWH for HEAR co-funded projects.
- When 66% of MF building is LI, entire building qualifies for LI program.

PPL

- Increased budget for deeper savings measures by $1.5 million.
- Removed student education from the LI program.
- Commitment to follow up with LI participants in appliance recycling to encourage participation in other LI offerings such as home audit, etc.
- Commitment to ongoing meetings re: cross-program coordination.
- PPL's plan included funding up to co-funding ASHRAE Level 2 audits for up to 10 buildings, $75,000 each.
- PPL's plan included landlord incentives – direct incentives to landlords for providing consent for MF projects.

EE&C Websites for Each EDC

Duquesne Light Company: https://dlcenergyrebates.com/

FirstEnergy PA: https://www.firstenergycorp.com/save_energy/save_energy_pennsylvania.html

PECO: https://www.pecoeeportal.com/

PPL: https://www.pplelectricsavings.com/

Opportunities for Ongoing Engagement

- Duquesne: MF collaboratives
- FirstEnergy: Coordination collaboratives
- PECO: Coordination collaboratives
- PPL: Coordination collaboratives

Email Levi if you are interested in staying involved through Phase V by participating in these meetings: lphillips@pautilitylawproject.org