AN ACT

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for energy efficiency and conservation program.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2806.1(b)(1)(ii) of Title 66 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 2806.1. Energy efficiency and conservation program.

(b) Duties of electric distribution companies.--

(1) * * *

(ii) A new plan shall be filed with the commission every [five years or as otherwise required by the commission] three years, unless a shorter duration is required by the commission. The plan shall set forth the manner in which the company will meet the required
reductions in consumption under subsections (c) and (d).

* * *

(j.1) Large customer opt-out.--Any customer that is part of
the large commercial class or industrial class, as defined in
the electric distribution company's initial plan under this
section, shall have the ability to opt-out of participation in
the plan as follows:

(1) For each new plan filed pursuant to subsection (b)
(1)(ii), the electric distribution company shall provide each
large commercial customer and industrial customer with the
option to forgo participation in the plan. This option shall
apply regardless of whether the customer purchases default
service or supply from an alternate supplier. The customer
may exercise this option for any or all accounts in this
Commonwealth, including accounts that do not fall within the
large commercial classification or industrial classification
prior to the effective date of each plan.

(2) A customer that forgoes participation in the plan
will not be eligible to receive funding or other measures
contained in the plan for the opt-out accounts during the
applicable phase.

(3) A customer that forgoes participation in the plan
will not be required to pay the cost recovery charge under
subsection (k) for the opt-out accounts.

(4) The electric distribution company may adjust its
consumption and peak demand reduction goals, as well as its
budget, under its plan to reflect the customers that have
exercised the option to forgo participation in the plan.

(5) Within 180 days of the effective date of this
subsection, the commission shall promulgate guidelines or
regulations to administer this subsection.

* * *

Section 2. This act shall take effect in 60 days.