

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 805 Session of 2015

INTRODUCED BY BOSCOLA, MENSCH, YUDICHAK, BROWNE, ARGALL, ALLOWAY, AUMENT, HUTCHINSON, VULAKOVICH, GORDNER AND WARD, MAY 14, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 7, 2016

AN ACT

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

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

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

10 § 2806.1. Energy efficiency and conservation program.

11 * * *

12 (b) Duties of electric distribution companies.--

13 (1) * * *

14 (ii) [A] FOR EACH PLAN FILED FOR ANY APPLICABLE <--
15 PHASE OF IMPLEMENTATION OF THE PROGRAM BEGINNING AFTER
16 MAY 31, 2021, A new plan shall be filed with the
17 commission every [five years or as otherwise required by
18 the commission] three years, unless a shorter duration is

1 required by the commission. The plan shall set forth the
2 manner in which the company will meet the required
3 reductions in consumption under subsections (c) and (d).

4 * * *

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

10 (1) ~~For~~ BY DECEMBER 31, 2016, FOR EACH PLAN FILED FOR <--
11 THE APPLICABLE PHASE OF IMPLEMENTATION OF THE PROGRAM FOR THE
12 PERIOD JUNE 1, 2016, TO MAY 31, 2021, OR 365 DAYS PRIOR TO
13 each new plan filed pursuant to subsection (b) (1) (ii) FOR ANY <--
14 APPLICABLE PHASE OF IMPLEMENTATION OF THE PROGRAM BEGINNING
15 AFTER MAY 31, 2021, the electric distribution company shall
16 provide each large commercial customer and industrial
17 customer with the option to forgo participation in the plan.
18 This option shall apply regardless of whether the customer
19 purchases default service or supply from an alternate
20 supplier. The customer may exercise this option for any or
21 all accounts in this Commonwealth, ~~including accounts that do~~ <--
22 ~~not fall within the large commercial classification or~~
23 ~~industrial classification prior to the effective date of each~~
24 ~~plan.~~ IF ONE OR MORE OF THE ELECTRIC DISTRIBUTION COMPANY'S <--
25 LARGE COMMERCIAL OR INDUSTRIAL CUSTOMERS OPTS TO FORGO
26 PARTICIPATION IN THE ELECTRIC DISTRIBUTION COMPANY'S PLAN
27 FILED FOR THE APPLICABLE PHASE OF IMPLEMENTATION OF THE
28 PROGRAM FOR THE PERIOD JUNE 1, 2016, TO MAY 31, 2021, PRIOR
29 TO DECEMBER 31, 2016, THE ELECTRIC DISTRIBUTION COMPANY MAY
30 FILE A REVISED PLAN WITH THE COMMISSION TO REFLECT THE

1 ADJUSTMENTS PURSUANT TO PARAGRAPH (4).

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

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

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

13 (5) ~~Within 180 days of the effective date of this~~ <--
14 ~~subsection~~ BY DECEMBER 1, 2016, the commission shall <--
15 ~~promulgate guidelines or regulations~~ to administer this <--
16 subsection.

17 * * *

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