

# CITIZEN POWER

*Public Policy Research Education and Advocacy*

June 1, 2012

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
PO Box 3265  
Harrisburg, PA 17105-3265

**Re: Petition of Duquesne Light Company for Approval of Default Service Plan for the Period June 1, 2013 through May 31, 2015; Docket P-2012-2301664**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission please find the Petition to Intervene of Citizen Power in the above-referenced proceeding.

Copies of this Petition have been served in accordance with the attached Certificate of Service.

Sincerely,



Theodore Robinson  
Counsel for Citizen Power

Enclosure

cc: per Certificate of Service  
Honorable Katrina L. Dunderdale

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :  
Approval of Default Service Plan for the Period : Docket No. P-2012-2301664  
June 1, 2013 through May 31, 2015 :

**PETITION TO INTERVENE OF CITIZEN POWER, INC.**

**TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Citizen Power, Inc. ("Citizen Power"), by and through their counsel, Theodore S. Robinson, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission ("PUC" or "Commission"), 52 Pa. Code §§ 5.71-5.76, and in support thereof states as follows:

**I. BACKGROUND**

1. On or about April 27, 2012, Duquesne Light Company ("Duquesne Light") filed a petition with the Commission seeking approval of its Default Service Plan for the period of June 1, 2013 through May 31, 2015.
2. On May 15, 2012, a Prehearing Order was issued setting the date for the prehearing conference as June 8, 2012 and requiring the filing of Prehearing Memoranda on or before June 4, 2012.
3. On May 19, 2012, notice of this filing was published in the *Pennsylvania Bulletin*. The notice indicated that petitions to intervene in the proceeding must be filed on or before June 4, 2012.

4. Citizen Power is a non-profit, 501(c)(3), public policy research, education, and advocacy organization incorporated under the laws of the Commonwealth of Pennsylvania with its principal place of business located at 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217.

## II. STANDARDS FOR INTERVENTION

5. The Commission's regulations at 52 Pa. Code §§ 5.71-5.76 establish the standards and requirements for a party to intervene in an action before the Commission. Section 5.72 sets forth the eligibility requirements for a party to intervene, which provides, in pertinent part, as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa. Code § 5.72. The eligibility requirements for an interested party to intervene in an action before the Commission is less strict and easier to satisfy than the common law standard for intervention. *Application of Metropolitan Edison Co. for Approval to Construct an Electric Generating Unit Fueled by Natural Gas*, Docket No. A-110300, 1994 Pa. PUC LEXIS 52 (Order entered Feb. 25, 1994) (citing *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975)).

### **III. FACTS SUPPORTING INTERVENTION**

6. Christopher Titus North is the Executive Director of Citizen Power and is a customer of Duquesne Light. William H. Carlson and David Hughes are members of the Citizen Power Board of Directors and are customers of Duquesne Light.

7. The principal place of business of Citizen Power is 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217. Citizen Power is a customer of Duquesne Light at this location.

8. Citizen Power devotes almost all of its resources to consumer and environmental protections issues. Citizen Power has participated in numerous proceedings regarding electricity market deregulation, renewable resource standards, energy efficiency, and customer rates in Pennsylvania and Ohio and at the Federal Energy Regulatory Commission ("FERC"). Citizen Power has been a statewide advocate for lower energy costs, especially for low-income customers, and increased use of renewable energy and energy-efficiency technologies.

9. Citizen Power has been a participant on behalf of customers in previous Duquesne Light proceedings before the Commission, including Docket No. P-2009-2135500 (Duquesne Light's Default Service Plan), Docket No. M-2009-2123948 (Duquesne Light's Smart Meter Plan), Docket No. P-00072247 (Duquesne Light's "POLR IV" proceeding), Docket No. P-00032071 (Duquesne Light's "POLR III" proceeding), Docket No. R-00974104 (Duquesne Light's "POLR II" Settlement proceeding), Docket No. P-00021969 (regarding Duquesne Light's petition to modify its "POLR II" Plan in connection with the Company's intention to join PJM West), Docket No. P-00032071 (relating to modification of Duquesne Light's POLR II rates), and Docket No. R-00974104 (Duquesne Light's Restructuring Plan).

10. Citizen Power runs a Green Energy Collaborative (“GEC”) program, which has over 600 members in the Duquesne Light territory. The purpose of the GEC is to promote the use of renewable energy in western Pennsylvania.

11. According to Duquesne Light, the Default Supply Plan relies upon a mix of spot and short-term contracts. Duquesne has not proposed any long-term contracts as part of the Default Supply Plan.<sup>1</sup>

12. According to Duquesne Light, CAP customers are not eligible for either the Opt-In EGS Program or the Standard Offer Referral Program.<sup>2</sup>

#### **IV. GROUNDS FOR INTERVENTION**

16. Citizen Power has a direct interest in the outcome of this proceeding and meets the standards for intervention set forth in 52 Pa. Code § 5.72(a)(2). Specifically, as a customer of Duquesne Light, Citizen Power has an interest in the price of default service. In addition, as the administrator of the GEC program, Citizen Power has an interest in the viability of renewable energy generation in western Pennsylvania.

17. The Commission’s regulation also provides that a person who has “[a]nother interest of such nature that participation of the petitioner may be in the public interest” may intervene in the proceeding. 52 Pa. Code § 5.72(a)(3). As both an environmental and consumer advocacy organization, Citizen Power has a unique perspective that cannot be represented by any other party in this proceeding. Citizen Power submits that this unique interest coincides with the public interest and should be considered by the Commission.

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<sup>1</sup> Duquesne Light Company Statement No. 44 at 16.

<sup>2</sup> Duquesne Light Company Statements No. 62 at 22 and No. 68 at 24.

18. The interests of Citizen Power are not adequately represented by another party.

The other parties in this proceeding are not authorized and do not have standing to fully represent the interests of Citizen Power.

19. Based on the foregoing, Citizen Power has substantial interests that will be directly and immediately affected by the Commission's disposition of the Applicants' Application. Therefore, this Petition to Intervene should be granted.

**V. POSITION OF CITIZEN POWER, INC.**

20. Citizen Power believes that this proposed default service plan needs to be fully investigated by the Commission. Citizen Power is specifically concerned about the impact of not including long-term contracts in the procurement mix upon renewable generation and the impact of the default service plan upon default rates for residential consumers.

21. At this time, Citizen Power continues to evaluate its position on the default service plan and will refine its position based upon further study of the plan, review of discovery and additional input from other parties. Citizen Power reserves the right to raise other issues as necessary and appropriate during the course of the proceeding and to respond to issues raised by other parties.

**VI. COUNSEL**

22. Citizen Power will be represented in this proceeding by the following counsel:

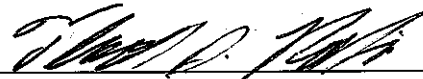
Theodore S. Robinson, Esq.  
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2121 Murray Avenue  
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23. Counsel consents to the service of documents by electronic mail to [robinson@citizenpower.com](mailto:robinson@citizenpower.com), as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, for all of the foregoing reasons, Citizen Power believes that its intervention in this proceeding satisfies the legal standards for intervention and will serve the public interest. Citizen Power 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,



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Theodore S. Robinson, Esquire  
PA Attorney ID No. 203852

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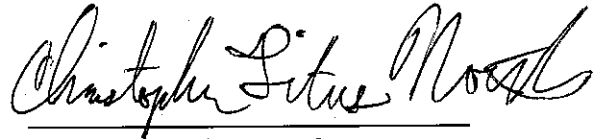
Date: June 1, 2012

Counsel for Citizen Power

**VERIFICATION**

I, Christopher Titus North, hereby state that the facts set forth above in the Petition to Intervene are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: June 1, 2012



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Christopher Titus North  
Executive Director  
Citizen Power  
2121 Murray Avenue  
Pittsburgh, PA 15217



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :  
Approval of Default Service Plan for the Period : Docket No. P-2012-2301664  
June 1, 2013 through May 31, 2015 :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Petition to Intervene of Citizen Power, Inc. upon the participants listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

**VIA FIRST CLASS MAIL**

Honorable Katrina L. Dunderdale  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place  
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Community Energy  
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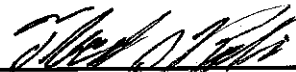
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The Royal Bank of Scotland PLC  
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Dated this 1<sup>st</sup> day of June, 2012

By:   
\_\_\_\_\_  
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