



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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June 5, 2020

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

Re: Docket No. P-2020-3019522  
Petition of Duquesne Light Company for Approval of Its Default  
Service Plan for the Period June 1, 2021 Through May 31, 2025

Dear Secretary Chiavetta:

Attached for filing is MAREC Action's Petition to Intervene in the above matter. A copy of MAREC's Petition is being served on Duquesne Light Company and a copy is being provided to the Deputy Chief Administrative Law Judge in accordance with the attached Certificate of Service.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, Jr.

Enclosure

cc: Bruce H. Burcat, Esquire

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of Duquesne Light Company for :  
Approval of Its Default Service Plan for the : Docket No. P-2020-3019522  
Period June 1, 2021 through May 31, 2025 :

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**PETITION TO INTERVENE  
OF  
MAREC ACTION**

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AND NOW, comes MAREC Action (“MAREC” or “Petitioner”), by its attorneys, and pursuant to 52 Pa. Code § 5.71 *et seq.*, petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene in the above-captioned matter. In support of its intervention, MAREC states as follows:

**I. INTRODUCTION**

1. On April 20, 2020, Duquesne Light Company (“Duquesne”) filed a petition seeking Commission approval of its ninth Default Service Program (“DSP IX” or “Plan”) to establish terms and conditions under which Duquesne will acquire and supply default service for a four-year period, from June 1, 2021 through May 31, 2025.

2. Notice of the filing of the petition was published in the *Pennsylvania Bulletin* on Saturday, May 9, 2020, 50 Pa.B. 2508. As presented in the published notice, petitions to intervene in the proceeding are to be filed with the Commission on or before June 5, 2020. Deputy Chief Administrative Law Judge Mark A. Hoyer has been assigned to preside over the matter.

3. The name, email and business address of Petitioner and its company representative for purposes of this proceeding are:

MAREC Action  
Post Office Box 385  
Camden, DE 19934  
Attention: Bruce Burcat, Esquire, Executive Director  
marec.org@gmail.com

4. MAREC is a 501(c)4 non-profit, Pennsylvania Corporation formed to help advance the opportunities for renewable energy development primarily in the region where the Regional Transmission Organization, PJM Interconnection, operates. MAREC's footprint includes Pennsylvania and nine other jurisdictions in the region. MAREC members include utility scale wind and solar developers, wind turbine manufacturers and non-profit organizations dedicated to the growth of renewable energy technologies.

5. The name, address, and contact information of Petitioner's counsel are:

Charles E. Thomas Jr., Esq.  
Pa. I.D. No. 07262  
THOMAS, NIESEN & THOMAS, LLC  
212 Locust Street, Suite 302  
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Bruce Burcat, Esquire  
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Post Office Box 385  
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Tel: 302-331-4639  
marec.org@gmail.com

All pleadings, orders, correspondence, discovery, and other documents filed, served, or issued in this proceeding should be served on the above counsel in both electronic and paper forms.

## **II. MAREC'S INTERVENTION**

6. The Commission's regulations permit intervention by a party that demonstrates 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." 52 Pa. Code § 5.72(a)(2). Intervention is also allowed where a party's participation is in the public interest. 52 Pa. Code § 5.72(a)(3).

7. MAREC meets the standards for intervention set forth in 52 Pa. Code § 5.72(a).

MAREC has a direct and substantial interest in ensuring that Duquesne's DSP IX considers the issue of long-term contracts as a prudent mix requirement of the Public Utility Code.<sup>1</sup> This was an issue addressed in a recent Secretarial Letter in the *Investigation into Default Service and PJM Interconnection, LLC. Settlement Reforms* at Docket M-2019-3007101, dated January 23, 2020, where the Commission stated in response to comments from the Mid-Atlantic Renewable Energy Coalition that:

the Commission agrees that long-term contracts need to be carefully considered and that **we need to consider this topic further in upcoming DSP proceedings'** (emphasis added).<sup>2</sup>

8. This proceeding will establish, among other things, the rates, terms, conditions, and structure of Duquesne's DSP IX. The proceeding will also directly affect MAREC's members – national utility-scale renewable energy developers, highly motivated to develop projects to help meet the requirements of the Commonwealth's Alternative Energy Portfolio Standards. While the long-term contract provisions will enable projects to be developed, MAREC contends that the use of long-term contracts as part of the DSP will also help reduce pricing to customers taking such service and provide a long-term pricing hedge to these customers. Accordingly, MAREC's intervention is necessary to help protect the interest of its members and to provide evidence on price stability and the importance of renewable energy procurement as part of Duquesne's DSP.

9. MAREC's interest will not be adequately addressed through other existing parties' comments or involvement.

10. MAREC's intervention is also in the public interest. MAREC possesses significant and unique knowledge, experience, and resources with respect to renewable energy

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<sup>1</sup> 66 Pa. C.S. § 2807(e).

<sup>2</sup> At page 7.

development in numerous states, which will be helpful in developing a record on the reasonableness of Duquesne's DSP IX and will serve to better protect the consumers of Pennsylvania. Moreover, without the opportunity to intervene, MAREC will be unable to participate in this proceeding, and its members will nevertheless be bound by the actions taken by the Commission. Such actions may have a material impact on MAREC's operations, business activities, and involvement in Pennsylvania.

### **III. MAREC'S POSITION REGARDING THE ISSUES**

11. MAREC continues to review Duquesne's filing and has not yet determined its position on the many matters presented therein. It may support, oppose, or propose revisions to the petition and DSP IX, as filed. MAREC will present its position in accordance with the litigation schedule established at the initial prehearing conference.

WHEREFORE, MAREC Action respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene and authorize MAREC Action's intervention and participation in this proceeding as a full and active party.

Respectfully submitted,

  
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Tel: 302-331-4639  
marec.org@gmail.com

DATED: June 5, 2020

VERIFICATION

I, Bruce Burcat, Executive Director of MAREC Action, hereby state that the facts set forth herein above 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).



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Bruce Burcat

Date: June 5, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have this 5<sup>th</sup> day of June, 2020, served a true and correct copy of the foregoing Petition to Intervene of MAREC Action, upon the upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA ELECTRONIC MAIL

Honorable Mark A. Hoyer  
Deputy Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
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301 Fifth Avenue  
Pittsburgh, PA 15222  
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*On behalf of Duquesne Light Company*



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Charles E. Thomas, Jr. (PA ID # 07262)