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July 16, 2009

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Honorable James McNulty
Secretary, Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Petition of PECO Energy Company for Approval
of Its Act 129 Energy Efficiency and Conservation Plan
and Expedited Approval of its Compact Fluorescent Lamp Program
PUC Docket No. M-2009-2093215

Dear Secretary McNulty:

Please find for electronic filing the Petition to Intervene of the Commonwealth of Pennsylvania, Department of Environmental Protection in the above referenced matter. Copies have been served on all parties listed on the enclosed Certificate of Service.

Sincerely,

/s/ Scott Perry

Scott Perry
Assistant Counsel

cc: Service List

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of its Act 129 Energy :
Efficiency and Conservation Plan : **Docket No. M-2009-2093215**
and Expedited Approval of its :
Compact Fluorescent Lamp Program :

**PETITION TO INTERVENE OF THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Commonwealth of Pennsylvania, Department of Environmental Protection (the “Department”) files this Petition to Intervene in the above referenced matter pursuant to 52 Pa. Code §§ 5.71 and 5.72. In support of its Petition to Intervene in the Petition of PECO Energy Company (“PECO”) for Approval of its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program (“EEC Plan”) the Department avers as follows:

1. Pursuant to Act 129 of 2008 and the Pennsylvania Public Utility Commission’s (“Commission”) Energy Efficiency and Conservation Program Implementation Order at Docket No. M-2008-2069887, on July 1, 2009, PECO filed its Petition for Approval of its EEC Plan with the Commission.

2. PECO’s EEC Plan includes ten energy efficiency programs and eight demand reduction programs to meet Act 129’s energy conservation and peak demand reduction requirements. Petition at 2.

3. The Department is an agency of the Commonwealth, and it is entitled to intervene as of right under 52 Pa. Code § 5.72(b).

4. The Department administers several energy and environmental protection programs established by state law that provide the Department with interests of such nature that participation of the Department is in the public interest. 52 P.S. § 52.72(a)(3).

5. The Department is the primary agency under the Governor's jurisdiction charged with managing energy matters. The Department performs and administers the functions of the Pennsylvania Energy Office. 71 P.S. § 1340.504(d). The Department also has the powers and duties previously vested in the Governor's Energy Council by the Building Energy Conservation Act, 35 P.S. §§ 7201.101 *et seq.*, and the Energy Conservation and Assistance Act, 62 P.S. §§ 3011 *et seq.* 71 P.S. § 1340.504(a)-(b). The Department is responsible for the management of the Pennsylvania Energy Development Authority which, *inter alia*, provides financial support to promote clean, advanced indigenous energy resources and projects in Pennsylvania. 71 P.S. §§ 720.1 *et seq.*

6. The Department has regulatory responsibilities under the Alternative Energy Portfolio Standards Act and is to work cooperatively with the Commission to monitor the performance of all aspects of the Act. 73 P.S. § 1648.7(c). The demand-side management programs in PECO's EEC Plan have the potential to create Tier II alternative energy credits. See, 73 P.S. § 1648.1. The renewable energy program in PECO's EEC Plan has the potential to create Tier I alternative energy credits. *Id.*

7. The Department administers several provisions of the Alternative Energy Investment Act (73 P.S. § 1649.101 *et seq.*), and provides financial incentives for the purchase and installation of solar photovoltaic systems and residential energy conservation measures. Programs implemented through PECO's EEC Plan can overlap with the Department's programs and, if not properly harmonized, lead to inefficient expenditures of ratepayer and taxpayer funds.

8. The Department administers the Air Pollution Control Act (35 P.S. § 4001 *et seq.*) and the Clean Streams Law (35 P.S. § 691.1 *et seq.*). The purpose of these statutes is to protect and restore Pennsylvania's air and water resources. A properly designed and implemented EEC Plan can reduce fossil fuel consumption, improve air quality, reduce greenhouse gas emissions and improve water quality.

9. Individually and collectively, the Department's statutory duties create an interest that will be directly affected by this proceeding but are not adequately represented by existing participants and are of such a nature that participation of the Department is in the public interest. Thus, Department has a right to intervene under 52 P.S. § 5.72(a)(3).

WHEREFORE, the Commonwealth of Pennsylvania, Department of Environmental Protection respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,

/s/ Scott Perry

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Dated: July 16, 2009

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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VERIFICATION

I, Daniel Griffiths, hereby state that the facts above set forth in the Petition to Intervene of the Commonwealth of Pennsylvania, Department of Environmental Protection 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).

/s/ Daniel Griffiths

Daniel Griffiths
Deputy Secretary
Office of Energy, Innovations
and Technology Deployment
Department of Environmental Protection

Dated: July 16, 2009

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Petition to Intervene of the Commonwealth of Pennsylvania, Department of Environmental Protection, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner upon the persons listed below:

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Respectfully submitted,

/s/ Scott Perry

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