



ClearChoice Energy
A World Of Possibilities.

July 27, 2009

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
400 North Street – 2nd Floor
Commonwealth Keystone Building
Harrisburg, PA 17120

RE: Petition of PPL Electric Utilities Corporation for Approval of its Energy Efficiency and Conservation Plan; Docket Number M-2009-2093216

Dear Secretary McNulty:

Please find for electronic filing the Petition of ClearChoice Energy in the above referenced matter. Copies of this document have been served in accordance with the attached Certificate of Service.

Sincerely,

Carolyn Pengidore
President/CEO
ClearChoice Energy

c: Administrative Law Judge Susan Colwell (via E-Mail and First Class Mail)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: PPL Electric Utilities Corporation : Docket No.
Energy Efficiency and Conservation : M-2009-2093216
Plan :

PETITION TO INTERVENE OF CLEARCHOICE ENERGY

Comperio Energy LLC, d/b/a ClearChoice Energy, hereby petitions to intervene in the above-captioned matter pursuant to 52 Pa. Code §§ 5.71-5.75 and in connection therewith represent as follows:

1. On or about July 18, 2009, notice of the Petition of PPL Electric Utilities Corporation for approval of its Energy Efficiency and Conservation Plan was published in the Pennsylvania Bulletin. The notice established an intervention deadline of July 27th, 2009.
2. ClearChoice Energy is a Pennsylvania L.L.C. with a business address of 180 Fort Couch Road, Suite 265, Pittsburgh, PA 15241.
3. ClearChoice Energy is a registered conservation service provider (“CSP”) in Pennsylvania and member of PJM Interconnection, L.L.C. providing curtailment services to commercial, industrial and governmental customers in Pennsylvania, including the PPL Electric service territory.
4. Notices and information regarding this matter for ClearChoice Energy should be sent to:

Carolyn Pengidore
President/CEO

ClearChoice Energy
180 Fort Couch Road, Suite 265
Pittsburgh, PA 15241
Phone: (724) 825-5391
Email: Carolyn@ClearChoice-Energy.com

5. Consistent with the requirements of Act 129 and the Commission's Implementation Order entered on January 16, 2009, at Docket No. M-2009-2069887, on June 30, 2009, PPL Electric filed its Act 129 Energy Efficiency and Conservation Plan ("EE&C Plan") with the Commission. Among other things, the EE&C Plan proposes to finance the EE&C Plan through a non-bypassable line-item surcharge on the customer's monthly bills which would be reconciled on an annual basis. Among the costs being financed by the surcharge are costs for PPL Electric's Load Curtailment Program for the Large Commercial and Industrial Sector. Under the EE&C Plan, PPL Electric seeks to use a third party Demand Response CSP to manage the program on a turnkey basis. The EE&C plan proposes to support the selected Demand Response CSP through a variety of marketing initiatives including links on the PPL website, information in PPL customer newsletters, direct mail, promotion by PPL key account managers, cross promotion with other PPL programs, and encouragement by PPL to participate in PJM demand response programs.¹

6. We are concerned about how PPL Electric's proposed Load Curtailment Program will impact our ability to compete for customers to participate in demand response programs offered by PJM Interconnection, L.L.C. through ClearChoice Energy. PPL Electric's rate-payer funded marketing strategy will substantially bias potential customers that may be interested in programs offered by PJM Interconnection through ClearChoice Energy, to instead do business through PPL's contracted Demand Response CSP. As a

¹ EE&C Plan, pp 148-153.

privately owned and financed Pennsylvania company, it would be unjust and unreasonable to put us in a position of competing against a rate-payer funded utility (or their contracted agent), for customers who wish to participate in demand response programs offered by PJM Interconnection, L.L.C.

7. Participation in demand response programs offered by PJM Interconnection, L.L.C. requires the sale of energy, capacity or ancillary services from a retail electric customer into the wholesale electric market. Such a sale represents a new supply of power that directly competes with power supplied from power generators and lowers the cost of wholesale electricity in the competitive generation market. Pennsylvania's Electric Generation and Competition Act, passed in 1996, expressly states the legislature's policy objective that Pennsylvania's retail customers have direct access to a competitive generation market, including stating that "competitive market forces are more effective than economic regulation in controlling the cost of generating electricity."² Competition in the demand response business is vital to the public's interest in providing low cost power supply from demand side resources into the wholesale electric market to mitigate prices for energy, capacity and ancillary services. By directly promoting the services of a single demand response provider, PPL Electric will substantially lessen competition for the participation of demand side resources in the wholesale electric market within their service territory.

8. We are confident that the Commission will consider all issues attendant to whether PPL Electric's EE&C Plan and proposed programs are in accordance with Act 129 and other applicable statutes including the state's Electric Generation and Competition Act.

² 66 Pa C.S. §2802.

9. ClearChoice Energy may suffer an adverse impact on its ability to compete for demand side resources in the PPL Electric service territory under the Load Curtailment Program proposed in the EE&C Plan. According, ClearChoice Energy has an interest in this proceeding that is not represented by any other party of record; consequently, ClearChoice Energy satisfies the standards for intervention under Section 5.72 of the Commission's regulations. See 52 Pa. Code §5.72.

WHEREFORE, ClearChoice Energy respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene and provide ClearChoice Energy with full-party status in this proceeding.

Respectfully submitted,



Carolyn Pengidore
President/CEO
ClearChoice Energy
180 Fort Couch Road, Suite 265
Pittsburgh, PA 15241
Phone: (724) 825-5391
Email: Carolyn@ClearChoice-Energy.com

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Petition to Intervene upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party.)

Via First Class Mail & Electronic Mail

Honorable Susan D. Colwell
Administrative Law Judge
Pa Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105
scolwell@state.pa.us

David T. Evrard, Esquire
Tanya J. McCloskey, Esquire
James A. Mullins
Office of Consumer Advocate
555 Walnut St. 5th Floor, Forum Place
Harrisburg, PA 17101
devrard@paoca.org
TMcCloskey@paoca.org
Jmullins@paoca.org

Allison C. Kaster, Esq.
Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
akaster@state.pa.us

Paul E. Russell
Associate General Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
perussell@pplweb.com

David B. MacGregor
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
Dmacgregor@postschell.com

Andrew S. Tubbs
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
Atubbs@postschell.com

Scott Perry
Assistant Counsel
Commonwealth of Pennsylvania
Department of Environmental Protection
RCSOB, 9th Floor
400 Market Street
Harrisburg, PA 17101
scperry@state.pa.us

John K. Baillie, Esq.
Senior Attorney
Citizen's for Pennsylvania's Future
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15219
Baillie@pennfuture.org

Sharon E. Webb
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
Swebb@state.pa.us

Craig B. Burgraff, Esq.
Todd S. Stewart, Esq.
Hawke, McKeon & Sniscak, LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17101
crburgraff@hmslegal.com
tsstewart@hmslegal.com

Mark C. Morrow, Esq.
UGI Utilities, Inc.
460 North Gulph Road
King of Prussia, PA 19406
morrowm@ugicorp.com

Lillian S. Harris, Esq.
Thomas J. Sniscak, Esq.
Hawke, McKeon & Sniscak, LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17101
lsharris@hmslegal.com
tjsnicak@hmslegal.com

Eric Joseph Epstein
4100 Hillsdale Road
Harrisburg, PA 17112
lechambon@comcast.net



Carolyn Pengidore
President/CEO
ClearChoice Energy
180 Fort Couch Road, Suite 265
Pittsburgh, PA 15241

Dated this 27th day of July, 2009 at Pittsburgh, Pennsylvania.