



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: Joint Petition for Consolidation and Approval of Energy Efficiency and Conservation Plans for Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company
PUC Docket Numbers M-2009-2092222, M-2009-2112952, and M-2009-2112956**

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 David Salapa (via E-Mail and First Class Mail)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Metropolitan Edison, Penelec and	:	Docket Numbers
Penn Power Energy Efficiency	:	M-2009-2092222
and Conservations Plans	:	M-2009-2112952
		M-2009-2112956

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 25, 2009, notice of the Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans was published in the Pennsylvania Bulletin. The notice established an intervention deadline of July 29th, 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 MetEd and Penelec service territories.
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 July 1, 2009, Metropolitan Edison Company ("MetEd"), Pennsylvania Electric Company ("Penelec") and Pennsylvania Power Company ("Penn Power") filed a Joint Petition for their Act 129 Energy Efficiency and Conservation Plans ("EE&C Plans") with the Commission. Among other things, the EE&C Plans propose to finance the EE&C Plans through non-bypassable line-item surcharges on customer monthly bills, the "Energy Efficiency and Conservation Charge Rider" which would be reconciled on an annual basis. Among the costs being financed by the surcharge are costs for MetEd and Penelec's Commercial Industrial Demand Response Program – Customer Mandatory Curtailment Program. Under the EE&C Plans for MetEd and Penelec, MetEd and Penelec seek to act as a Curtailment Service Provider for customers for programs offered by PJM Interconnection, L.L.C.¹ The EE&C plan proposes to support the curtailment program through marketing and customer education initiatives.

6. We are concerned about how MetEd and Penelec's Curtailment Programs will impact our ability to compete for customers to participate in demand response programs offered by PJM Interconnection, L.L.C. through ClearChoice Energy. MetEd and Penelec's rate-payer funded marketing strategy will substantially bias potential customers that may be interested in programs offered by PJM Interconnection through ClearChoice

¹ MetEd Plan pp 68-72.

Energy, to instead do business through MetEd and Penelec. As a 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 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 offering to act as a Curtailment Service Provider and directly enroll customers in the PJM program, MetEd and Penelec will substantially lessen competition for the participation of demand side resources in the wholesale electric market within their service territories.

8. We are confident that the Commission will consider all issues attendant to whether MetEd and Penelec's EE&C Plan and proposed programs are in accordance with

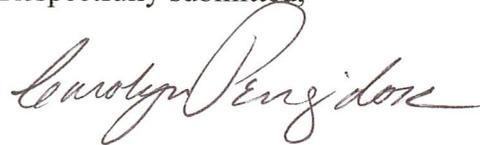
² 66 Pa C.S. §2802.

Act 129 and other applicable statutes including the state's Electric Generation and Competition Act.

9. ClearChoice Energy may suffer an adverse impact on its ability to compete for demand side resources in the MetEd and Penelec service territories under the 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,



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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

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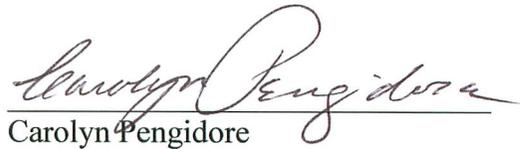
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Dated this 27th day of July, 2009 at Pittsburgh, Pennsylvania.