



CHARLES E. THOMAS, JR.  
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July 28, 2009

**EFILE**

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P. O. Box 3265  
Harrisburg, PA 17105-3265

In re: Docket No. M-2009-2093217  
Petition of Duquesne Light Company

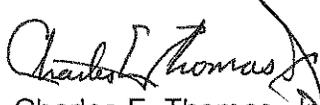
Dear Secretary McNulty:

Enclosed for filing on behalf of Equitable Gas Company, LLC ("Equitable" or "Company") is the original copy of its Petition to Intervene in the above matter which is being filed electronically today. Copies of the Company's Petition to Intervene are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By

  
Charles E. Thomas, Jr.

Encl.

cc: Certificate of Service (w/encl.)  
Daniel L. Frutchey, Esq. (w/encl.)

090728-McNulty (Petition to Intervene).wpd

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of the Duquesne Light : Docket No. M-2009-2093217  
Company for Approval of its Energy :  
Efficiency and Conservation Plan :

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**PETITION TO INTERVENE OF  
EQUITABLE GAS COMPANY, LLC**

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AND NOW, comes Equitable Gas Company, LLC ("Equitable"), by its attorneys, and, pursuant to 52 Pa. Code § 5.71, *et seq.*, petitions to intervene in the above captioned proceeding. In support of its intervention, Equitable submits as follows:

**INTRODUCTION**

1. This proceeding concerns the Energy Efficiency and Conservation Plan filed by Duquesne Light Company ("Duquesne") and dated July 1, 2009.

2. The names, postal addresses, voice and fax numbers and email addresses of Equitable's attorneys are:

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### **EQUITABLE'S INTEREST IN THE PROCEEDING**

3. On or about July 1, 2009, Duquesne filed its Energy Efficiency and Conservation Plan ("EE&C Plan") with the Public Utility Commission ("Commission"). The EE&C Plan was accompanied by a Petition asking that the Commission approve the EE&C Plan as well as Energy Efficiency and Demand Response Surcharges.

4. Equitable is a regulated local natural gas distribution company. As of December 31, 2008, Equitable served 259,030 residential, commercial and industrial customers in Southwestern Pennsylvania, including the City of Pittsburgh and Allegheny County where Duquesne provides electric service. Equitable's principal office is located at 225 North Shore Drive, Pittsburgh, PA 15212.

5. As a regulated local natural gas distribution company operating in the Duquesne service territory, Equitable has an interest in the impact of Duquesne's EE&C Plan on natural gas demand and usage and also an interest in how fuel substitution programs and technologies - - the substitution of natural gas for electric service - - would be consistent with and further the goals of Duquesne's EE&C Plan, Act 129 and other statutory and regulatory principles.

### **GROUND'S FOR EQUITABLE'S INTERVENTION**

6. Equitable has grounds to intervene in this proceeding to address Duquesne's EE&C Plan, its impact on natural gas demand and usage and how fuel substitution programs and technologies would be consistent with and further the goals of Duquesne's EE&C Plan and statutory and regulatory principles. Equitable's interests are of such a nature that its participation would be in the public interest. As the local natural gas distribution company operating in the Duquesne service territory, Equitable has a unique perspective on and interest in the issue of fuel substitution which may be directly affected by this proceeding. Moreover, Equitable's interest is not adequately

represented by any other potential participant and it may be bound by the action of the Commission.

**EQUITABLE'S POSITION**

7. Equitable is reviewing Duquesne's EE&C Plan. Presently, it is not clear to what extent, if at all, the Plan contemplates fuel substitution programs and technology as energy efficiency and conservation measures to reduce electric load. Equitable believes that fuel substitution programs and technologies can and should be considered and implemented as part of Duquesne's EE&C Plan and that such consideration and implementation is consistent with Act 129 and other statutory and regulatory principles and the public interest.

WHEREFORE, Equitable Gas Company, LLC requests that the Pennsylvania Public Utility Commission grant this petition and authorize its intervention and participation in this proceeding as a full and active party.

Respectfully submitted,

By  \_\_\_\_\_

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Thomas T. Niesen, Esquire  
PA Attorney ID No. 31379  
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Daniel L. Frutchey, Esquire  
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EQUITABLE DISTRIBUTION  
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Attorneys for  
Equitable Gas Company, LLC

Dated: July 28, 2009

## VERIFICATION

I, William Lucas, Senior Vice President – Operations, of Equitable Gas Company, LLC hereby state that the facts set forth in the foregoing document 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).

  
William Lucas

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of the Duquesne Light : Docket No. 2009-2093217  
Company for Approval of its Energy :  
Efficiency and Conservation Plan :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 28th day of July, 2009, served a true and correct copy of the Petition to Intervene of Equitable Gas Company, LLC, upon the persons and in the manner set forth below:

**BY EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID**

Honorable Fred R. Nene  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
[fnene@state.pa.us](mailto:fnene@state.pa.us)

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