

August 31, 2009

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

Re: Docket No. M-2009-2093217 – Petition of Duquesne Light Company for Approval of its Energy Efficiency and Conservation and Demand Side Response Plan

Dear Mr. McNulty:

Enclosed herewith please find an original copy of the “**Main Brief on Behalf of EnerNOC, Inc.**” in the above captioned proceeding. This document has been electronically filed through the PUC’s efilings system. Please enter this into the docket and timestamp the additional five (5) copies. A copy of the Brief will also be served to the parties on the service list.

Should you have any questions, please do not hesitate to contact me at (717) 233-5731.

Sincerely,

RHOADS & SINON LLP

By: 
Alicia R. Petersen, Esq.

Enclosures

cc: Service List for Docket M-2009-2093217

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF DUQUESNE LIGHT COMPANY
FOR APPROVAL OF ITS ENERGY
EFFICIENCY AND CONSERVATION AND
DEMAND SIDE RESPONSE PLAN

DOCKET NO. M-2009-2093217

MAIN BRIEF ON BEHALF OF ENERNOC, INC.

SCOTT H. DEBROFF, ESQUIRE
ALICIA R. PETERSEN, ESQUIRE
RHOADS & SINON LLP
ONE SOUTH MARKET SQUARE
P.O. BOX 1146
HARRISBURG, PA 17108-1146

TEL: (717) 233-5731
FAX: (717) 231-6626
EMAIL: SDEBROFF@RHOADS-SINON.COM
APETERSEN@RHOADS-SINON.COM

DATED: AUGUST 31, 2009

COUNSEL FOR ENERNOC, INC.

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	PROCEDURAL HISTORY.....	2
III.	DESCRIPTION OF DUQUESNE’S PLAN.....	4
IV.	SUMMARY OF ARGUMENT.....	4
V.	ARGUMENT.....	5
A.	ACT 129’S CONSERVATION AND DEMAND REDUCTION REQUIREMENTS FOR OVERALL CONSERVATION REQUIREMENTS BEYOND THE 2013 REQUIREMENTS: ENERNOC RECOMMENDS THAT DUQUESNE’S PROPOSED PLAN FOR ITS LOAD CURTAILMENT PROGRAM SHOULD CONTINUE ON PAST MAY 31, 2013.....	5
B.	COST ISSUES: ENERNOC SUPPORT’S DUQUESNE’S COST RECOVERY MECHANISM.....	10
C.	CSP ISSUES.....	10
1.	DUQUESNE MUST PURSUE A FULL CONSERVATION SERVICE PROVIDER ENGAGEMENT.....	10
2.	INCENTIVES FOR THE CURTAILABLE LOAD PROGRAM NEED TO BE RAISED IN ORDER FACILITATE THE EXPECTED PARTICIPATION LEVELS.....	11
3.	DUQUESNE MUST LEVERAGE PJM LOAD RESPONSE PROGRAMS TO MEET ITS LOAD REDUCTION OBJECTIVES UNDER ACT 129.....	12
VI.	CONCLUSION.....	14
VII.	PROPOSED ORDERING PARAGRAPHS.....	15

TABLE OF AUTHORITIES

STATUTES

66 Pa.C.S. § 2801.6(c)(1).....	2
66 Pa.C.S. § 2801.6(c)(2).....	2
66 Pa.C.S. § 2806.1(d)(1).....	2
66 Pa.C.S. § 2806.1.....	7

I. INTRODUCTION

EnerNOC, Inc. ("EnerNOC"), a leading demand response ("DR") and energy management services provider throughout the United States, appreciates the opportunity to offer comments on Duquesne Light Company's ("Duquesne" or "Company") Petition for Approval of its Energy Efficiency and Conservation and Demand Side Response Plan ("EE&C Plan"). As discussed in more detail herein, EnerNOC supports several aspects of Duquesne's EE&C Plan, specifically its Curtailable Load Program; however, as discussed herein, room for improvement exists in order to maximize the cost efficiency and effectiveness of this proposed demand response initiative.

EnerNOC currently manages over 3,150 MW of demand response resource capability from over 2,400 customers across 5,450 sites nationwide. As an active demand response provider across three Independent System Operators ("ISOs") or Regional Transmission Organizations ("RTOs") (*i.e.*, New York Independent System Operator, Inc., ISO New England, Inc., and PJM) and numerous states with various statutory and regulatory regimes, EnerNOC has a broad base of experience on which to draw and, as a result, has a unique perspective to offer in this proceeding. EnerNOC also has signed contracts with a variety of utilities to provide demand response services, including Southern California Edison, Pacific Gas & Electric, San Diego Gas & Electric, the Tennessee Valley Authority, Tampa Electric Company, Public Service Company of New Mexico, Xcel Energy (Colorado), Salt River Project, Idaho Power, Allegheny Power, Baltimore Gas and Electric, Delmarva Power and PEPCO.

EnerNOC's demand response activities are implemented via automated, aggregated, and intelligent management of end-user lighting, HVAC, distributed generation, and industrial process equipment. Every one of EnerNOC's thousands of sites is connected to its Network Operations Center (the "NOC" in EnerNOC) and communicates real-time load data over a secure Internet connection, allowing its operations staff to monitor and verify facility load reductions in real time. This customer visibility allows EnerNOC to ensure that customers are delivering their contracted reductions and where they are not to take efforts to "coach" them, or to dispatch technicians to take corrective action. As a result, EnerNOC dispatched emergency demand response resources in its network over 100 times during 2008 and delivered performance that averaged over 100% during the year, based on nominated versus delivered capacity.

II. PROCEDURAL HISTORY

Governor Rendell signed into law House Bill 2200, or Act 129 of 2008 ("Act 129" or "Act"), on October 15, 2008. Among other things, Act 129 expands the Pennsylvania Public Utility Commission's ("PUC" or "Commission") oversight responsibilities and sets forth new requirements on electric distribution companies ("EDCs") for energy conservation. With regard to energy efficiency and conservation, Act 129 requires EDCs to adopt a plan, approved by the Commission, to reduce electric consumption by at least 1% of its expected consumption for June 1, 2009, through May 31, 2010, and by at least 3% by May 31, 2010, adjusted for weather and extraordinary loads.¹ In addition, by May 31, 2013, peak demand is to be reduced by a minimum

¹ This one percent reduction is to be accomplished by May 31, 2011. *See* 66 Pa. C.S. § 2801.6(c)(1), (2).

of 4.5% of the EDC's annual system peak demand in the 100 hours of highest demand,² measured against the EDC's peak demand during the period of June 1, 2007 through May 31, 2008.³ Consistent with the Act's requirements, on July 1, 2009, all Pennsylvania EDCs filed with the Commission proposed energy efficiency and conservation plans ("EE&C Plan") that seek to meet the Act's energy efficiency and conservation requirements.

On January 16, 2009, the Commission issued an Implementation Order ("Implementation Order") establishing the substantive requirements for EDCs in preparing and submitting their EE&C Plans and outlining the process by which the Commission will consider and review the EE&C Plans. As articulated in the Implementation Order, the PUC review process is structured in a way that "balances the desire to provide all interested parties an opportunity to be heard, with the need to complete the process within the statutory time constraints."⁴

As required by the Implementation Order, on July 1, 2009, the Company submitted its EE&C Plan.

On August 3, 2009, EnerNOC filed a Petition to Intervene in this proceeding. On August 7, 2009, EnerNOC filed its initial comments in this proceeding. EnerNOC is an energy services provider operating throughout the United States, including the Commonwealth of Pennsylvania, and Canada. EnerNOC operates specifically in the Commonwealth of Pennsylvania as a Curtailment Service Provider ("CSP") within the footprint of PJM Interconnection, L.L.C.

² Consistent with the Commission's January 16, 2009, *Energy Efficiency and Conservation Plan Implementation Order* at Docket No. M-2008-2069887 (hereinafter "Implementation Order"), the Commission has adopted the use of 4.5% of the EDC's average of the 100 highest peak hours during the summer months of June, July, August and September in 2007. Implementation Order, p. 21.

³ See 66 Pa C.S. § 2806.1(d)(1).

⁴ Implementation Order, p. 10.

("PJM").⁵ As a PJM Curtailment Service Provider, EnerNOC provides commercial, industrial and institutional organizations with demand response and energy efficiency services. By letter issued July 2, 2009, the PUC also approved EnerNOC's application to Register as a Conservation Service Provider.⁶

III. DESCRIPTION OF DUQUESNE'S PLAN

As required by the Implementation Order, on June 30, 2009, the Company submitted its EE&C Plan. To fulfill the requirements of Act 129, Duquesne's EE&C Plan proposes the implementation of 16 energy efficiency and conservation programs and demand response programs targeting the Company's Residential (including low-income), Commercial, Industrial and Governmental/Non-Profit customer sectors.⁷ Specifically, Duquesne's EE&C Plan proposes five programs for the residential sector, five programs for the Small Commercial and Industrial ("C&I") sector, five programs for the Large C&I sector, and one program for government, school and non-profit customers.⁸

IV. SUMMARY OF ARGUMENT

EnerNOC generally commends the Company's Curtailable Load Program. In particular, EnerNOC supports the Company's decision to target 48 hours of demand reductions, rather than across 100 or more hours. EnerNOC also commends Duquesne's proposal to phase in the

⁵ In this context, a Curtailment Service Provider refers to a PJM Member, "which action on or behalf of itself or one or more other Members or non-Members, participates in the PJM Interchange Energy Market by causing a reduction in demand." See PJM Operating Agreement, § 1.3.1B.02, available at www.pjm.com.

⁶ See generally Docket No. A-2009-2102368.

⁷ See EE&C Plan, pp. 6-8.

⁸ See Direct Testimony of Thomas Crooks, DLC Statement No. 2, pp. 8-10.

program over a period of three years and to provide full incentives and dispatching of 48 hours of events during the years leading up to and including the summer 2012 period. Notwithstanding the commendable aspects of the Curtailable Load Program, room for improvement exists in order to maximize the cost efficiency and effectiveness of this proposed demand response initiative. As the Commission evaluates Duquesne's Curtailable Load Program, EnerNOC respectfully submits the following comments for the Commission's consideration.

V. ARGUMENT

A. **Act 129's Conservation and Demand Reduction Requirements for Overall Conservation Requirements beyond the 2013 Requirements: EnerNOC Recommends That Duquesne's Proposed Plan For Its Load Curtailment Program should Continue on Past May 31, 2013.**

Each of the EDCs has proposed C&I DR plans that have one thing in common: they all end after the 2012/2013 delivery year. This completely distorts the legislative intent of requiring utilities to achieve a peak load reduction requirement in 2012/2013. The notion that the Legislature would then intend that the utility allow a successful peak load reduction to snap back in the following year is absurd. If that is what is allowed to occur here, the Governor and Legislators, indeed electric customers in the Commonwealth, will be justifiably outraged.

If the pre-Act 129 activities of DR providers are resumed, peak load will snap back to pre-Act 129 levels and the success of Act 129 and the large investments made into the Demand Response programs will be completely erased. Without certainty beyond 2012-2013, Pennsylvania customers will lose the program benefits that flow directly from the direct

incentives to participants, specifically the impact of demand reductions on reducing capacity and energy prices.

It is important to consider the impact of certainty on both the cost of delivering C&I DR on an annual basis, and the ability to recruit providers. From a cost standpoint, recruiting and enabling demand response providers requires up-front investment. To the extent that a CSP can amortize these costs over an extended contractual term, the annual incentives required are reduced, thus benefiting all stakeholders. Regarding the EDC's Act 129 requirements, the use of a 3 year program term versus a longer term will likely have the following significant impacts.

First, where prices will be determined through an RFP process, CSPs will likely require higher incentives for a 3 year (or shorter) contract term than for a 5 to 7 year term, for example. There are business decisions made by the CSP to invest time and resources in a program, and the utility commitment for a longer term makes a difference.

Second, where prices have been set through the Act 129 planning process, the capacity available to the EDC will be impacted by term length, with less capacity available for a 3 year (or shorter) term than for a 5 to 7 year contract.

From a Demand Response participant's perspective, length is also an important consideration. Particularly in EDC territories where participants can receive attractive PJM payments for participation in emergency-only programs, the desirability of providing 50 hours of dispatch will be weighed against the potential incentive stream over the life of a program. A

participant must consider the impact of the business process changes required for 50 hours of dispatch, and weigh that impact against either 1-3 years of compensation, or weigh that impact against 5-7 years or more of compensation. The longer option (5-7 years or more of certain incentives) will deliver more providers, and therefore more capacity.

Furthermore, Act 129 states that the proposed cost-recovery tariff mechanism for the plans will only allow recovery of the “prudent and reasonable costs of the plan including administrative costs.” 66 Pa. C.S. §2806.1. EDCs in the Commonwealth are charged with making prudent investments. It would not be “prudent or reasonable” for the utility to invest money in a short term program that would eventually have to be expanded again at higher costs and ultimately result in greater expenses for the ratepayers. It would be prudent if the program was originally designed to go on for a longer initial period.

In regards to demand reduction, Act 129 indicates that as long as it is cost effective, the Commission can allow for continued reductions of peak demand:

By November 30, 2013, the Commission shall compare the total costs of energy efficiency and conservation plans implemented under this section to the total savings in energy and capacity costs to retail customers in this Commonwealth or other costs determined by the Commission. If the Commission determines that the benefits of the plans exceed the costs, the Commission shall set additional incremental requirements for reduction in peak demand for the 100 hours of greatest demand or an alternative reduction approved by the Commission. Reductions from demand shall be measured from the Electric Distribution Company’s peak demand for the period from June 1, 2011, through May 31, 2012. The reductions in consumption required by the Commission shall be accomplished no later than May 31, 2017.

66 Pa. C.S. 2806.1.

It appears thus that the intent of the Legislature was to have the EDCs maintain their status quo while the potential for further reductions was assessed. Unlike energy efficiency investments, demand response programs will only work if the EDCs initiate an active role. It would be prudent and most beneficial to the ratepayers if the EDCs maintained the current demand response and peak load reductions during the time of the Commission review. If these levels are not maintained, the EDCs will have to incur more costs to meet the new requirements beyond the 4.5% demand reduction goal for 2013.

Furthermore, other elements of the EE&C plan, like smart meters that work in conjunction with the Load Control Program will continue to be in service long after the May 31, 2013 deadline. Ultimately, Duquesne will be modernizing its entire infrastructure, like much of the rest of the country, in order to develop and support a Smart Grid. To achieve a Smart Grid, it will take a combination of programs and technology. Energy Efficiency Programs and Demand Response Programs work together in the same demand side management spectrum, and in conjunction with Smart Metering, which contributes the platform for measurement, verification and evaluation of such programs. With this Commonwealth's commitment to the deployment of advanced metering and the creation of a Smart Grid, there is every reason to infer that the Demand Response and Energy Efficiency programming once started, was meant to endure. It will be more cost effective to plan now for the continuation of a program that will be important to aid in these future reductions that the Commission may require.

Finally, it is important to note that most programs envision resources enrolled in both the EDC Act 129 program and PJM demand response programs. As the PJM Base Residual Actions

(BRA) for 2013-2014 approaches, it is possible that CSPs will consider their ability to enroll those resources in Act 129 programs when determining capacity commitment levels. The absence of such an assurance will reduce the demand response capacity available for the 2013-2014 and subsequent BRAs, impacting prices in the PJM market to the detriment of Pennsylvania ratepayers.

The Commission should state its expectation that demand reductions achieved by the summer of 2012 will continue to persist for some reasonable period of time and certainly through its consideration of the second phase of Act 129. Second, it should provide the EDCs with assurances that prudently incurred costs for demand response not in excess of those expended in 2012, will be recoverable on a full and current basis until such time as the Commission determines otherwise. By the same token, the Commission should make clear that imprudently incurred costs will not be recoverable.

We are encouraged by the law in this Commonwealth that recognizes the importance of a well-planned and effective Demand Response Program as a component of a well-planned and effective overall Act 129 implementation. We contend that the conservation of energy requires effective programming that lasts and we encourage this Commission to see the forest through the trees.

B. Cost Issues: EnerNOC supports Duquesne's Cost Recovery Mechanism

EnerNOC supports Duquesne's proposal to recover the costs of its EE&C Plan through an Energy Efficiency & Conservation Program Charge ("EEPC") that will be imposed under Section 1307 of the Public Utility Code and will be reconcilable and non-bypassable.

C. CSP ISSUES

1. Duquesne Must Pursue a Full Conservation Service Provider Engagement.

According to the EE&C Plan, Duquesne contemplates the use of an experienced third-party contractor to implement the Curtailable Load Program.⁹ Duquesne states that the contractor will "at least be responsible for" activities, such as acquiring equipment, training service technicians, and handling customer service issues.¹⁰ Duquesne further states that the contractor "may also be engaged more broadly" in direct marketing, installation and service, and monitoring and verifying performance.¹¹ Based on the Company's proposed "implementation strategy," however, it is evident that Duquesne lacks clearly defined expectations regarding the engagement level of a Conservation Service Provider tasked with implementing the Curtailable Load Program.

To bolster the Company's implementation strategy for the Curtailable Load Program, EnerNOC encourages Duquesne to pursue a model of full CSP engagement through a bilateral

⁹ *Id.* at 75.

¹⁰ *Id.* (emphasis added).

¹¹ *Id.* (emphasis added).

agreement. As entities primarily engaging in the provision of demand response and energy efficiency services, CSPs bring a wealth of experience and expertise. As a result, CSPs have the practical "know-how" needed to maximize participation and capacity in the most efficient, cost-effective manner. Additionally, because CSPs already work with customers in the Duquesne service territory through programs offered by PJM, an experienced CSP could leverage the existing PJM demand response infrastructure for the benefit of Duquesne's Act 129 program(s).

Finally, to achieve the full benefits of demand response, particularly for higher hour programs, it is important to align the interests of the customer (*i.e.*, demand response provider), CSP, and EDC. In this case, Duquesne appears to be assuming any non-performance risks associated with the Curtailable Load Program. As a result, Duquesne's interests as an EDC to provide valued customers with reliable, cost-efficient service will not necessarily align with those of Duquesne as the program manager to deliver reliable, cost-effective demand response, nor with those of a customer to maximize value through demand response participation. By contrast, CSPs are best suited to effectively manage the risk associated with achieving Act 129 goals by constructing a portfolio that will reliably deliver when dispatched. For these reasons, EnerNOC encourages Duquesne to fully engage a CSP to implement the Curtailable Load Program.

2. Incentives for the Curtailable Load Program Need To Be Raised In Order To Facilitate Expected Participation Levels.

With respect to the Curtailable Load Program, Duquesne proposes incentive payments totaling \$139,968 for the 2012 program year.¹² Duquesne projects that approximately 21.6 MW of capacity called for 48 hours will contribute to a 10.8 MW peak load reduction.¹³ Based on

¹² See EE&C Plan, p. 76.

¹³ *Id.*

Duquesne's proposed budget and projected peak load reduction, the resulting incentive is approximately \$6,480 per MW-year (\$139,968/20.6 MW). EnerNOC respectfully submits that this level of incentive payment is substantially lower than necessary to attract customers willing to deliver 48 hours of dispatchable load response. By way of contrast, EnerNOC supports the level of incentives afforded in PPL's and PECO's EE&C Plans. Accordingly, EnerNOC suggests that the Commission examine the appropriateness of the incentive level for Duquesne's Curtailable Load Program for Large C&I customers.

3. Duquesne Must Leverage PJM Load Response Programs To Meet Its Load Reduction Objectives Under Act 129.

Duquesne's EE&C Plan indicates that the Company does not intend to leverage existing PJM demand response programs to maximize the benefits derived from the Curtailable Load Program. PJM offers several programs that allow customers to be compensated for demand side response activities, such as curtailing usage or operating on-site generation resources during high cost or peak times. Specifically, PJM offers the following load response program options: Emergency Load Response Program; Economic Load Response Program; the Interruptible Load for Reliability; and Ancillary Service Markets for Regulation and Synchronous Reserve. Given the potential efficiencies to be gained by leveraging the PJM demand response program "infrastructure," EnerNOC urges Duquesne to seriously consider doing so.

As explained by Company Witness Barrett, all of Duquesne's demand response programs under the EE&C Plan, including the Curtailable Load Program, will be separate from existing PJM load response programs.¹⁴ Based on the Company's testimony, it is EnerNOC's

¹⁴ Direct Testimony of Larry B. Barrett, DLC Statement No. 3, p. 10.

understanding that Duquesne does not contemplate any interaction between the Curtailable Load Program and existing PJM demand response programs. Leveraging this existing PJM demand response "infrastructure," however, would maximize both the capacity and cost-effectiveness of the Duquesne program. For example, sites already registered in the PJM Emergency Load Response Program may be attracted to participate in the Curtailable Load Program (*i.e.*, committing to deliver up to 48 hours of additional dispatch above and beyond any commitment to PJM) in exchange for an incremental incentive.

The most compelling reason for the Company to revise its proposal to build on the PJM programs is cost. Any demand response program proposed by the Company will, in essence, be competing with the PJM program for customers. Given the far more modest expectations of customers regarding the effort required to earn revenue in the PJM program versus the Company's program, the Company will have to pay customers significantly more than what they would get from PJM. Since the program is not layered on top of the PJM program, all of these significant payments will have to be paid by the Company's ratepayers. Under the alternative proposed by EnerNOC, as well as PECO and PPL, the Company's ratepayers will be responsible only for paying the incremental incentive. Though, as we noted above, that incentive needs to be substantially increased.

Given the potential benefits of leveraging the existing PJM demand response programs, EnerNOC endorses this approach and encourages Duquesne to incorporate this concept into its Curtailable Load Program.

VI. CONCLUSION

For all of the foregoing reasons as well as the reasons expressed in EnerNOC's initial comments, EnerNOC proposes that these changes be made to Duquesne's EE&C Plan.

VII. PROPOSED ORDERING PARAGRAPHS

IT IS ORDERED:

1. That Duquesne's Load Curtailment Program be structured in a way in which it can continue on successfully after the statutory deadline of May 31, 2009.
2. That Duquesne must pursue a full Conservation Service Provider Engagement.
3. Incentives for the Curtailable Load Program shall be raised in order to facilitate expected participation levels.
4. That Duquesne must leverage existing PJM Load Response Programs to meet its load reduction objectives under Act 129.

Respectfully submitted,

By: 

SCOTT H. DEBROFF, ESQUIRE
Attorney ID No. 61170
ALICIA R. PETERSEN, ESQUIRE
Attorney ID No. 209672

RHOADS & SINON LLP
ONE SOUTH MARKET SQUARE
P.O. BOX 1146
HARRISBURG, PA 17108-1146

TEL: (717) 233-5731
FAX: (717) 231-6626
EMAIL: SDEBROFF@RHOADS-SINON.COM
EMAIL: APETERSEN@RHOADS-SINON.COM

DATED: AUGUST 31, 2009

COUNSEL FOR ENERNOC, INC.

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF DUQUESNE LIGHT COMPANY
FOR APPROVAL OF ITS ENERGY
EFFICIENCY AND CONSERVATION AND
DEMAND SIDE RESPONSE PLAN

DOCKET NO. M-2009-2093217

CERTIFICATE OF SERVICE

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

Dated: **August 31, 2009**

By:



SCOTT H. DEBROFF, ESQUIRE
ALICIA R. PETERSEN, ESQUIRE
RHOADS & SINON LLP
ONE SOUTH MARKET SQUARE
P.O. Box 1146
HARRISBURG, PA 17108-1146

TEL: (717) 233-5731

FAX: (717) 231-6626

EMAIL: SDEBROFF@RHOADS-SINON.COM

EMAIL: APETERSEN@RHOADS-SINON.COM

COUNSEL FOR ENERNOC, INC.

CERTIFICATE OF SERVICE – M-2009-2093217

VIA EMAIL AND FIRST CLASS MAIL

<p>DAVID T. EVRARD, ESQ. TANYA MCCLOSKEY, ESQ. OFFICE OF CONSUMER ADVOCATE 555 WALNUT STREET FORUM PLACE, 5TH FLOOR HARRISBURG, PA 17101-1923 DEVARD@PAOCA.ORG TMCCLOSKEY@PAOCA.ORG</p>	<p>SCOTT PERRY, ESQ. ASPASSIA V. STAEVSKA, ESQ. COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION RCSOB, 9TH FLOOR 400 MARKET STREET HARRISBURG, PA 17101-2301 SCPERRY@STATE.PA.US ASTAEVSKA@STATE.PA.US</p>
<p>SHARON WEBB, ESQ. OFFICE OF SMALL BUSINESS ADVOCATE COMMERCE BUILDING, SUITE 1102 300 NORTH SECOND STREET HARRISBURG, PA 17101 SWEBB@STATE.PA.US</p>	<p>GEORGE JUGOVIC, ESQ. ASSISTANT COUNSEL COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION 400 WATERFRONT DRIVE PITTSBURGH, PA 15222-4745 GJUGOVIC@STATE.PA.US</p>
<p>CHARLES DANIEL SHIELDS, ESQ. ADEOLU BAKARE, ESQ. OFFICE OF TRIAL STAFF PENNSYLVANIA PUBLIC UTILITY COMMISSION COMMONWEALTH KEYSTONE BUILDING P.O. BOX 3265 HARRISBURG, PA 17105-3265 CHSHIELDS@STATE.PA.US ABAKARE@STATE.PA.US</p>	<p>CAROLYN PENGIDORE PRESIDENT/CEO CLEARCHOICE ENERGY 180 FORT COUCH ROAD, SUITE 265 PITTSBURGH, PA 15241 CAROLYN@CLEARCHOICE-ENERGY.COM</p>
<p>GARY A. JACK, ESQ. KELLY L. GEER, ESQ. ASSISTANT GENERAL COUNSEL DUQUESNE LIGHT COMPANY 411 SEVENTH AVE. 16-1 PITTSBURGH, PA 15219 GJACK@DUQLIGHT.COM KGEER@DUQLIGHT.COM</p>	<p>THEODORE J. GALLAGHER, ESQ. SENIOR COUNSEL NISOURCE CORPORATE SERVICES COMPANY 501 TECHNOLOGY DRIVE CANONSBURG, PA 15317 TJGALLAGHER@NISOURCE.COM</p>

<p>DANIEL CLEARFIELD, ESQ. KEVIN J. MOODY, ESQ. ECKERT SEAMANS CHERIN & MELLOTT, LLC 213 MARKET STREET, 8TH FLOOR P.O. BOX 1248 HARRISBURG, PA 17108-1248 DCLEARFIELD@ECKERTSEAMANS.COM KMOODY@ECKERTSEAMANS.COM</p>	<p>CHRISTOPHER A. LEWIS, ESQ. CHRISTOPHER R. SHARP, ESQ. MELANIE J. TAMBOLAS, ESQ. BLANK ROME LLP ONE LOGAN SQUARE PHILADELPHIA, PA 19103 LEWIS@BLANKROME.COM SHARP@BLANKROME.COM TAMBOLAS@BLANKROME.COM</p>
<p>HARRY S. GELLER, ESQ. JOHN C. GERHARD, ESQ. PENNSYLVANIA UTILITY LAW PROJECT 118 LOCUST STREET HARRISBURG, PA 17101 HGELLERPULP@PALEGALAID.NET JGERHARDPULP@PALEGALAID.NET</p>	<p>LILLIAN S. HARRIS KATHERINE E. LOVETTE HAWKE MCKEON & SNISCAK LLP P.O. Box 1778 100 NORTH TENTH STREET HARRISBURG, PA 17101 LSHARRIS@HMSLEGAL.COM KELOVETTE@HMSLEGAL.COM</p>
<p>CHARLES E. THOMAS, JR., ESQ. THOMAS T. NIESEN, ESQ. THOMAS, LONG, NIESEN & KENNARD P.O. Box 9500 212 LOCUST STREET, SUITE 500 HARRISBURG, PA 17108-9500 CTHOMASJR@TTANLAW.COM TNIESEN@TTANLAW.COM</p>	<p>PAMELA C. POLACEK, ESQ. BARRY A. NAUM, ESQ. SHELBY LINTON-KEDDIE, ESQ. MCNEES WALLACE & NURICK LLC 100 PINE STREET P.O. Box 1166 HARRISBURG, PA 17108-1166 PPOLACEK@MWN.COM BNAUM@MWN.COM SKEDDIE@MWN.COM</p>
<p>DANIEL L. FRUTCHEY CHIEF REGULATORY OFFICER EQUITABLE DISTRIBUTION COMPANY 225 NORTH SHORE DRIVE PITTSBURGH, PA 15212-5861 DFRUTCHEY@EQT.COM</p>	<p>JONATHAN NASE KATHRYN SOPHY OFFICE OF SPECIAL ASSISTANTS COMMONWEALTH KEYSTONE BUILDING 3RD FLOOR, 9 EAST HARRISBURG, PA 17120 JNASE@STATE.PA.US KSOPHY@STATE.PA.US</p>

THE HONORABLE FRED R. NENE
ADMINISTRATIVE LAW JUDGE
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
1103 PITTSBURGH STATE OFFICE BUILDING
300 LIBERTY AVENUE
PITTSBURGH, PA 15222
FNENE@STATE.PA.US

RUBEN S. BROWN, PRESIDENT
THE E CUBED COMPANY, LLC
1700 YORK AVENUE, B1
NEW YORK, NY 10128
RUBEN.BROWN.ECUBEDLLC@GMAIL.COM