

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company for :
Approval of its Smart Meter Technology : Docket No. M-2009-2123948
Procurement and Installation Plan :**

**PETITION TO INTERVENE ON BEHALF OF THE
PENNSYLVANIA ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW (“ACORN”)**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Pennsylvania Association of Community Organizations for Reform Now, by and through their counsel, the Pennsylvania Utility Law Project, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code Sections 5.71-5.74, and in support thereof states as follows:

1. The Petitioners are represented by the Pennsylvania Utility Law Project. Attorneys receiving service of all documents in this proceeding are:

Harry S. Geller, Esq., PA Attorney #22415
John C. Gerhard, Esq., PA Attorney #94809
Julie George, Esq., PA Attorney # 208482

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2. On August 14, 2009, pursuant to the requirements of Act 129, Duquesne Light Company (“Duquesne” or “company”) filed with the Commission a petition seeking approval of the company’s Smart Meter Technology Procurement and Installation Plan. *Petition of Duquesne Light Company for Approval of Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123948 (Filed August 14, 2009) (“Petition”).
3. The Petition outlines the company’s plan to procure and install a smart metering system in its service territory. Duquesne avers that much of the 608,000 deployed meters in its service territory can already be considered smart meters to some extent. Petition at 3-4, ¶ 7. Duquesne proposes to use a portion of the 30-month grace period provided by the Commission in its Smart Meter Implementation Order to assess how its existing infrastructure, investments, and contractual obligations will impact its future development. *Id.* at 4, ¶ 8; *Smart Meter Procurement and Installation, Implementation Order*, Docket No. M-2009-2092655 (Order entered June 24, 2009) at 7. During this initial portion of the grace period Duquesne proposes to conduct analysis, planning, and development to refine its Smart Meter Plan; a further Supplemental Plan will be filed with the Commission after this investigative activity takes place. Petition at 4, ¶ 9. The last Supplemental Filing will be presented to the Commission on or before December 31 2011, detailing the selected system, finalized installation schedule, and costs for full Smart Meter Deployment. *Id.* at 5, ¶ 10.

4. The Petitioner, Pennsylvania ACORN, is a not-for-profit chapter of the Association of Community Organizations for Reform Now (“ACORN”), an advocacy and membership organization whose mission is to advocate on behalf of low and lower income persons on numerous consumer issues, including access to and the affordability of public utility service.

5. Many ACORN constituents reside within the company’s service territory and receive electric distribution service from the company. The company’s proposed Smart Meter Plan will have direct, immediate, substantial, and distinct effects upon the interests of ACORN constituents.

6. Given the novelty of Smart Metering technologies and practices, there are significant questions remaining unanswered regarding the impact Smart Networks, Smart Metering, and dynamic pricing will have on low income customers. What is the real cost of procuring and implementing a smart meter system, and how will these costs fall on low income customers? How will low income customers access, take advantage of, and benefit from the data made available through smart meters and networks? What will be the impact of real time pricing and time of use rates upon low income customers? Will smart metering herald new types of service that have adverse impacts upon low income customers? Each of these questions requires full investigation and consideration in this proceeding.

7. The grounds for ACORN's petition to intervene are to ensure that its interests and those of its constituents are represented in this proceeding, particularly those issues raised in Paragraph 6 supra. Since the interests of our constituents are not adequately represented at the present time but our constituents will be bound by the Commission's decision, ACORN seeks to intervene in this proceeding.
8. WHEREFORE, ACORN respectfully requests the Pennsylvania Public Utility Commission:
- a. Grant this Petition to Intervene and
 - b. Make such other orders as are just and appropriate.

Respectfully submitted by:



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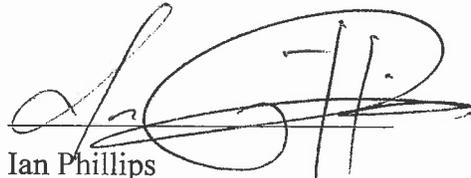
Counsel for ACORN

Dated: September 25, 2009

VERIFICATION

I, Ian Phillips, hereby state that the facts above set forth in the Petition to Intervene are true and correct (or 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).

Dated: September 14, 2009

A handwritten signature in black ink, appearing to read 'Ian Phillips', written over a horizontal line.

Ian Phillips
Legislative Director
Pennsylvania ACORN
846 North Broad Street
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