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November 4, 2010

BY E-FILE

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
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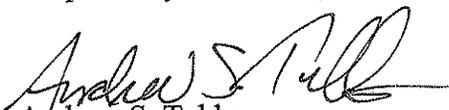
**RE: Petition of PPL Electric Utilities Corporation for Approval of Changes to its Act 129 Energy Efficiency and Conservation Plan - Docket No. M-2009-2093216**

Dear Secretary Chiavetta:

Enclosed for filing is the original Answer of PPL Electric Utilities Corporation to the Petition to Intervene of the Pennsylvania Communities Organizing for Change in the above-referenced proceeding.

Copies have been provided to the persons as indicted on the certificate of service.

Respectfully Submitted,



Andrew S. Tubbs

AST/jl  
Enclosures  
cc: Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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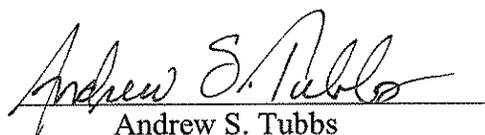
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Date: November 4, 2010

  
Andrew S. Tubbs

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities  
Corporation for Approval of Changes to its  
Act 129 Energy Efficiency and  
Conservation Plan

Docket No. M-2009-2093216

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION  
TO THE PETITION TO INTERVENE OF  
THE PENNSYLVANIA COMMUNITIES ORGANIZING FOR CHANGE**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Section 5.66 of the Pennsylvania Public Utility Commission's ("Commission") regulations, 52 Pa. Code § 5.66, PPL Electric Utilities Corporation ("PPL Electric") hereby answers the Petition to Intervene ("Petition") of the Pennsylvania Communities Organizing for Change ("PCOC") in the above-captioned proceeding.<sup>1</sup> By way of general response, PPL Electric objects to PCOC's intervention in this proceeding because it has failed to comply with the Commission's regulations regarding petitions to intervene and because it has failed to allege sufficient facts to support its standing to participate in this proceeding. *See* 52 Pa. Code §§ 5.71-5.74. In support of this Answer, PPL Electric states as follows:

1. The averments of Paragraph No. 1 of the Petition are admitted.
2. The averments of Paragraph No. 2 of the Petition are admitted.
3. In response to Paragraph No. 3 of the Petition, it is admitted that 66 Pa.C.S.

§ 2806.1(b)(i)(G), states in pertinent part that:

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<sup>1</sup> As indicated in the transmittal letter, dated October 18, 2010, accompanying PCOC's Petition, PCOC received an e-filing rejection on October 15, 2010 related to the filing of its intervention and therefore re-submitted its Petition on October 18, 2010.

The [Energy Efficiency and Conservation Plans] shall include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines. The number of measures shall be proportionate to those households' share of the total energy usage in the service territory.

4. In response to Paragraph No. 4 of the Petition, it is admitted that the *Energy Efficiency and Conservation Program Implementation Order*, Docket No. M-2008-2069887, (Order Entered January 15, 2009), at p. 22 states that:

There are clear requirements in the Act regarding proportionate measures for low-income customers (within a residential customer class) as well as for governments, schools, etc. (within a commercial customer class). Beyond those requirements, we believe that EDCs should develop plans to achieve the most energy savings per expenditure.

5. The averments of Paragraph No. 5 of the Petition are admitted.

6. The averments of Paragraph No. 6 of the Petition are admitted in part and denied in part. PPL Electric admits that the Pennsylvania Association of Community Organizations for Change Now ("ACORN") filed, on October 18, 2010, a Petition to Withdraw in Docket No. M-2009-209321. The remaining averments of Paragraph No. 6 are denied. It is denied that ACORN was the only intervener in this proceeding representing low-income customers and that with ACORN's withdrawal low-income households would be without an active advocate in this proceeding. The Pennsylvania Office of Consumer Advocate intervened and has been active in this proceeding advocating on behalf of PPL Electric's residential customers, including low income residential customers.

7. The averments of Paragraph No. 7 of the Petition are denied. Information concerning PCOC is not reasonably available to PPL Electric, and therefore, the averments in Paragraph No. 7 of the Petition are denied. Additionally, PCOC has failed to sufficiently show that it has an adequate interest in this proceeding. Pursuant to the Commission's regulations, a petition to intervene may be filed by a person claiming, *inter alia*, an interest which may be

directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding. *See* 52 Pa. Code § 5.72(a).<sup>2</sup> A petition to intervene must set out clearly and concisely, *inter alia*, the facts from which the alleged intervention right or interest can be determined, and the grounds of the proposed intervention. *See* 52 Pa. Code § 5.73(a). Moreover, Section 5.73(b) of the Commission's regulations provide that:

When circumstances warrant, petitions to intervene filed on behalf of more than one person may be required to list those persons and entities comprising the represented group.

52 Pa. Code § 5.73(b).

From the representations made in the Petition, PCOC has no interest, direct or otherwise, that can be affected by this proceeding in which it seeks to intervene. PCOC does not assert that it is a customer of PPL Electric, consequently, there is no factual basis on which PCOC can assert that its interests are or could be affected by the outcome of this proceeding. In the absence of such an interest, PCOC is not eligible to intervene in this proceeding. *See* 52 Pa. Code § 5.72(a). Therefore, because PCOC's Petition contains no statement of any interest, direct or otherwise, that could be affected by the outcome of this proceeding, the Petition does not comply with 52 Pa. Code § 5.73 and, on that basis alone, should be denied.

To the extent that PCOC purports to represent constituents that reside within PPL Electric's service territory and are customers of PPL Electric, such an assertion cannot be substantiated based on the bare representation made in the Petition. Therefore, consistent with

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<sup>2</sup> *See also, Application of Biester*, 487 Pa. 438, 442-443, 409 A.2d 848, 851 (1979), *citing Wm. Penn Parking Garage v. City of Pittsburgh*, 464 Pa. 168, 192, 346 A.2d 269, 281 (1975) (The purpose of the requirement of standing is to protect against improper plaintiffs. A plaintiff, to meet that requirement, must allege and prove an interest in the outcome of the suit which surpasses the common interest of all citizens in procuring obedience to the law. To surpass the common interest, the interest is required to be, at least, substantial, direct, and immediate.).

52 Pa. Code § 5.73(b), to the extent that PCOC claims to represent more than one person it should be required to list those persons and entities comprising the represented group and confirm that it is authorized to represent the interests of those individuals in this proceedings.

Moreover, the Petition does not explain the relationship between Action United and PCOC. The verification appended to the Petition is signed by the Executive Director of Action United, however, the Petition does not explain the relationship between Action United and PCOC. As such, it is unclear what interest Action United has in this proceeding or what capacity an Executive Director of Action United has to verify information and statements filed on behalf of PCOC.

8. The averments of Paragraph No. 8 of the Petition are requests for relief to which no response is required. Additionally, as noted above, the Pennsylvania Office of Consumer Advocate intervened and has been active in this proceeding advocating on behalf of PPL Electric's residential customers. *See* para. 6, above.

9. The averments of Paragraph No. 9 of the Petition are statements of PCOC's subjective intent in this proceeding. As such, they are not averments of facts, and therefore, no response is required.

10. Paragraph No. 9 identifies PCOC's counsel in this proceeding, to which no response is required.

WHEREFORE, PPL Electric Utilities Corporation, as discussed above, conditionally objects to PCOC's intervention in the above-referenced proceeding.

Respectfully submitted,

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