

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.
Small Business Advocate

(717) 783-2525
(717) 783-2831 (FAX)

November 29, 2010

HAND DELIVERED

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of Its Smart Meter Technology Procurement and Installation Plan

**Petition of PECO Energy Company for Approval of its Initial Dynamic Pricing and Customer Acceptance Plan
Docket No. M-2009-2123944**

Dear Secretary Chiavetta:

I am delivering for filing today the original plus three copies of the Protest and Verification, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sharon E. Webb".

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Parties of Record
Robert D. Knecht

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval of its Smart Meter Technology Procurement and Installation Plan	:	
	:	
	:	
	:	Docket No. M-2009-2123944
Petition of PECO Energy Company for Approval of its Initial Dynamic Pricing and Customer Acceptance Plan	:	
	:	
	:	

**PROTEST OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

Pursuant to 40 Pa.B. 6619, the Office of Small Business Advocate (“OSBA”) files this Protest with respect to the Petition of PECO Energy Company for Approval of its Initial Dynamic Pricing and Customer Acceptance Plan at Docket No. M-2009-2123944. In support of this Protest, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission (“Commission”).

2. Representing the OSBA in this proceeding is:

Sharon E. Webb, Esquire
Office of Small Business Advocate
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3. On September 25, 2009, the OSBA filed a Notice of Intervention and a Public Statement in the above-captioned proceeding. At that time, the proceeding was limited to the Petition of PECO Energy Company for Approval of its Smart Meter Technology Procurement and Installation Plan, which the PECO Energy Company (“PECO”) filed on August 14, 2009 (“August 14, 2009, Petition”).

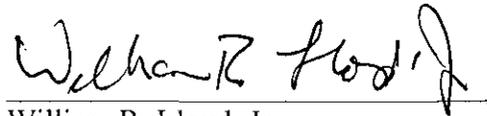
4. On October 28, 2010, PECO filed the Petition of PECO Energy Company for Approval of its Initial Dynamic Pricing and Customer Acceptance Plan (“October 28, 2010, Petition”). The Commission has docketed PECO’s October 28, 2010, Petition at the same docket number at which PECO’s August 14, 2009, Petition was docketed. Therefore, the OSBA is already a party to the proceeding related to PECO’s October 28, 2010, Petition.

5. The OSBA is filing this Protest in order to avoid any possible waiver with regard to the OSBA’s right to pursue issues related to the October 28, 2010, Petition.

6. Based on a preliminary review of the documents filed by PECO, the OSBA will be serving interrogatories to determine the extent of its participation related to the subject matter of the October 28, 2010, Petition.

WHEREFORE, the OSBA respectfully requests that the Commission refer PECO's October 28, 2010, Petition to the Office of Administrative Law Judge ("OALJ") for hearings and the preparation of an Initial Decision.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William R. Lloyd, Jr.", written over a horizontal line.

William R. Lloyd, Jr.
Small Business Advocate
Attorney I.D. No. 16452

Office of Small Business Advocate
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(717) 783-2525
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Date: November 29, 2010

VERIFICATION

I, William R. Lloyd, Jr., hereby state that the facts set forth herein above 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).

Date: November 29, 2010

William R. Lloyd, Jr.
(Signature)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for Approval :
of its Smart Meter Technology Procurement :
and Installation Plan :**

Docket No. M-2009-2123944

**Petition of PECO Energy Company for Approval :
of its Initial Dynamic Pricing and Customer :
Acceptance Plan :**

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Protest and Verification, on behalf of the Office of Small Business Advocate, by e-mail and first-class mail (unless otherwise noted) upon the persons addressed below:

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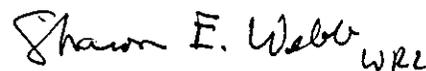
Date: November 29, 2010

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 *Sharon E. Webb* _{wpe}

Sharon E. Webb
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