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November 29, 2010

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA HAND DELIVERY**

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

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") are the original and three (3) copies of the Petition to Intervene of the Philadelphia Area Industrial Users Group ("PAIEUG"), in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp an extra copy of this transmittal letter and Petition, and kindly return it for our filing purposes. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By   
Carl J. Zwick

Counsel to the Philadelphia Area Industrial Users Group

/lmc

Enclosures

c: Administrative Law Judge Marlane R. Chestnut (via E-mail and First-Class Mail)  
Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :  
For Approval of Its Smart Meter Technology : Docket No. M-2009-2123944  
Procurement and Installation Plan :

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**PETITION TO INTERVENE OF  
THE PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP**

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TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Sections 5.71 through 5.74 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, the Philadelphia Area Industrial Energy Users Group ("PAIEUG") hereby files this Petition to Intervene in the above-captioned proceeding. 52 Pa. Code §§ 5.71-5.74. In support thereof, PAIEUG avers as follows:

1. Petitioner is the Philadelphia Area Industrial Users Group ("PAIEUG"). The composition of PAIEUG is attached hereto as Appendix A. PAIEUG reserves the right to modify Appendix A throughout the course of this proceeding, as necessary.

2. The names and address of PAIEUG's counsel are:

Charis Mincavage (I.D. No. 82039)  
Patrick Gregory (VA Bar I.D. No. 72987)  
Carl J. Zwick (I.D. No. 306554)  
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3. PAIEUG is an ad hoc group of energy-intensive customers receiving electric service from PECO Energy Company ("PECO" or "Company") under Rates HT and PD.

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PAIEUG members use substantial volumes of electricity in their manufacturing and operational processes, and these electric costs are a significant element of their respective costs of operation. Any modification to PECO's electric rates may impact PAIEUG members' cost of operations. The members of PAIEUG are therefore concerned with issues regarding the terms and conditions of their electricity service and, as a result, have been actively involved in numerous PECO proceedings, including PECO's Act 129 Energy Efficiency and Conservation ("EE&C") Plan proceeding. The Commission's final disposition of PECO's Initial Dynamic Pricing and Customer Acceptance Plan (the "Dynamic Pricing Plan" or "Plan") may directly affect the rates that the Company imposes on PAIEUG members for service.

4. On October 28, 2010, consistent with the requirements of Act 129 and the Commission's Order entered May 6, 2010, at Docket No. M-2009-2123944 ("Smart Meter Order"), PECO filed with the Commission a Petition seeking PUC approval of its Dynamic Pricing Plan ("Petition"). Specifically, PECO requests that the Commission: (1) approve PECO's Dynamic Pricing Plan; (2) find that the Dynamic Pricing Plan satisfies the requirements of Act 129 and the Commission's Smart Meter Order; and (3) approve PECO's proposed tariff provisions and the recovery of Dynamic Pricing Plan costs through the Company's Generation Supply Adjustment ("GSA").

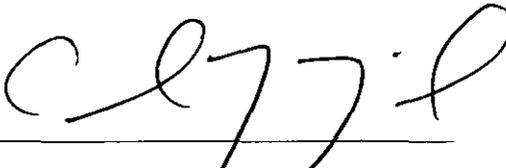
5. PAIEUG recognizes that, at this time, PECO is proposing no additional dynamic pricing options for large commercial and industrial customers. PAIEUG is concerned, however, with any modifications to the Dynamic Pricing Plan that may result through the course of this proceeding. PAIEUG members are some of the Company's largest customers, and modifications to the Dynamic Pricing Plan may have a cost impact upon PAIEUG members.

6. Therefore, consistent with 52 Pa. Code § 5.72(a), PAIEUG has a significant interest in this proceeding that is not represented by any other party of record. Accordingly, PAIEUG should be granted intervenor status in this proceeding.

**WHEREFORE**, the Philadelphia Area Industrial Energy Users Group respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene and provide the Philadelphia Area Industrial Energy Users Group with full-party status in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Charis Mincavage (I.D. No. 82039)  
Patrick Gregory (VA Bar I.D. No. 72987)  
Carl J. Zwick (I.D. No. 306554)  
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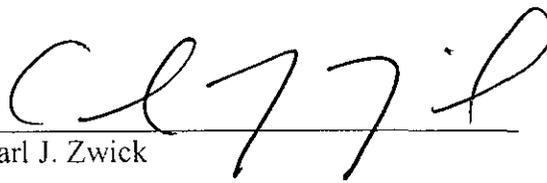
Counsel to the Philadelphia Area Industrial  
Energy Users Group

Dated: November 29, 2010

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF DAUPHIN :

Carl J. Zwick, being duly sworn according to law, deposes and says that he is counsel to the Philadelphia Area Industrial Energy Users Group, that in this capacity he is authorized to and does make this affidavit for them, and the facts set forth in the foregoing Petition to Intervene are true and correct to the best of his knowledge, information, and belief.

  
Carl J. Zwick

SWORN TO and subscribed before  
me this 29<sup>th</sup> day of November, 2010.

  
Notary Public

(SEAL)

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Mary A. Sipe, Notary Public  
City of Harrisburg, Dauphin County  
My Commission Expires March 18, 2013

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APPENDIX "A"

PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP

Air Liquide Industrial U.S. LP  
Boeing Company, The  
Building Owners & Managers Association of Philadelphia  
Drexel University  
Franklin Mills Associates Limited Partnership  
GlaxoSmithKline  
Jefferson Health System  
Kimberly-Clark Corporation  
Merck & Co., Inc.  
Saint Joseph's University  
Sanofi-Aventis  
Temple University  
Villanova University

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST-CLASS MAIL**

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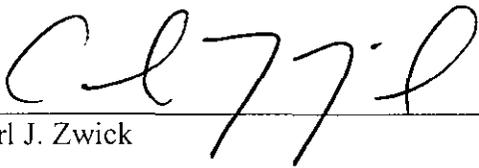
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\_\_\_\_\_  
Carl J. Zwick

Counsel to the Philadelphia Area Industrial Energy  
Users Group

Dated this 29<sup>th</sup> day of November, 2010, in Harrisburg, Pennsylvania.