

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

May 29, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

Re: John R. Evans, Small Business Advocate, Petitioner v. FirstEnergy  
Solutions Corporation, Respondent  
Docket No. P-2014-2421556

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Notice of Intervention  
and Public Statement in the above referenced proceeding.

Copies have served as indicated on the enclosed Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon J. Pierce".

Brandon J. Pierce  
Assistant Consumer Advocate  
PA Attorney I.D. # 307665

Enclosures

cc: Office of Administrative Law Judge  
Office of Special Assistants  
Certificate of Service

184077

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

John R. Evans,	:	
Small Business Advocate,	:	
Petitioner	:	
	:	Docket No. P-2014-2421556
v.	:	
	:	
FirstEnergy Solutions Corp.,	:	
Respondent	:	

---

NOTICE OF INTERVENTION OF THE  
OFFICE OF CONSUMER ADVOCATE

---

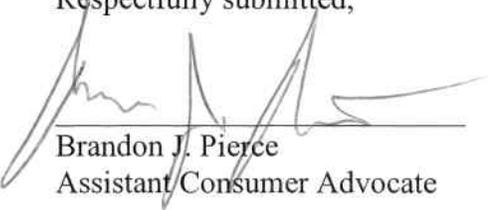
Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: [CTunilo@paoca.org](mailto:CTunilo@paoca.org)

Brandon J. Pierce  
Assistant Consumer Advocate  
PA Attorney No. 307665  
E-mail: [BPierce@paoca.org](mailto:BPierce@paoca.org)

Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Respectfully submitted,



Brandon J. Pierce  
Assistant Consumer Advocate

DATED: May 29, 2014

**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Office of Consumer Advocate (OCA) to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or the Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file an Answer and participate in proceedings before the Commission involving FirstEnergy Solutions Corporation (FES or the Company).

On May 15, 2014, the Office of Small Business Advocate (OSBA) filed a Petition with the Commission seeking a determination that the language in FES's Terms and Conditions of Service for small business "fixed price" plans does not permit FES to bill small business customers for increases in the cost of meeting FES's existing obligations to provide regulation service and synchronized reserve service.

In March 2014, FES began sending small business and residential customers on "fixed price" plans postcards stating that these customers would be billed a surcharge of approximately 1 to 3 percent of their annual generation charges for small business customers and approximately \$5 to \$15 for residential customers for an "RTO Expense Surcharge." On the postcards, FES states that it has the right to increase customers' bills to recover "extremely high ancillary services costs" incurred in January 2014 and billed to FES by the PJM Interconnection. On April 25, 2014, FES stated its intention to not bill residential customers for the charges. However, the OCA is in agreement with OSBA that FES's Terms and Conditions do not permit such charges to be billed to any customers. Therefore, the Consumer Advocate has filed this Answer with the Commission to ensure that FES's surcharge is not permitted.

CERTIFICATE OF SERVICE

John R. Evans, :  
Small Business Advocate, :  
Petitioner :  
 : Docket No. P-2014-2421556  
v. :  
 :  
FirstEnergy Solutions Corp., :  
Respondent :

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 29th day of May 2014.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Johnnie E. Simms, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

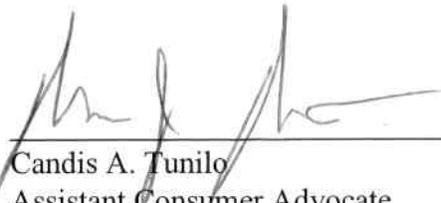
David P. Zambito, Esq.  
Cozen O'Connor  
305 North Front Street, Suite 400  
Harrisburg, PA 17101-1236

Amy M. Klodowski, Esq.  
FirstEnergy Corp.  
800 Cabin Hill Drive  
Greensburg, PA 15601

Daniel G. Asmus, Esquire  
Office of Small Business Advocate  
Commerce Bldg. Suite 1102  
300 N. Second Street  
Harrisburg, PA 17101

Pamela C. Polacek, Esq.  
Susan E. Bruce, Esq.  
Charis Mincavage, Esq.  
Andrew S. Ziegler, Esq.  
McNees Wallace & Nurick, LLC  
P.O. Box 1166  
Harrisburg, PA 17108-1166

Scott J. Rubin, Esq.  
333 Oak Lane  
Bloomsburg, PA 17815



---

Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D.# 89891  
E-Mail: [CTunilo@paoca.org](mailto:CTunilo@paoca.org)  
Brandon J. Pierce  
Assistant Consumer Advocate  
PA Attorney I.D.# 307665  
E-Mail: [BPierce@paoca.org](mailto:BPierce@paoca.org)

Counsel for  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
\*184078