

CITIZEN POWER

Public Policy Research Education and Advocacy

January 4, 2016

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
400 North Street
Harrisburg, PA 17201

Re: Petition of Duquesne Light Company for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan; Docket M-2015-2515375

Dear Secretary Chiavetta:

Enclosed for filing with the Commission please find the Petition to Intervene of Citizen Power, Inc. in the above-referenced proceeding.

Sincerely,



Theodore Robinson
Counsel for Citizen Power

Enclosure

cc: Honorable Katrina L. Dunderdale, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Approval of its Act 129 Phase III Energy : Docket No. M-2015-2515375
Efficiency and Conservation Plan :

PETITION TO INTERVENE OF CITIZEN POWER, INC.

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Citizen Power, Inc. (“Citizen Power”), by and through its attorney, Theodore S. Robinson, 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 §§ 5.71-5.76, and in support thereof states as follows:

I. BACKGROUND

1. On November 25, 2015, Duquesne Light Company (“Duquesne” or “Company”) filed a Petition with the Commission seeking approval of its Phase III Energy Efficiency and Conservation Plan (“Plan”).

2. On December 9, 2015, a Hearing Notice was issued setting the date for the prehearing conference as January 6, 2016. Furthermore, the Administrative Law Judge Katrina L. Dunderdale indicated that memoranda are to be filed by noon on January 5, 2016.

3. Citizen Power is a non-profit, 501(c)(3), public policy research, education, and advocacy organization incorporated under the laws of the Commonwealth of Pennsylvania with its principal place of business located at 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217.

4. Citizen Power markets a renewable energy product of TriEagle Energy (PA PUC A-2010-2180376). Citizen Power also operates the Green Energy Collaborative, a program with the goal of promoting Pennsylvania wind generation. The Green Energy Collaborative has enrolled over 1000 members during its existence.

II. STANDARDS FOR INTERVENTION

5. The Commission's regulations at 52 Pa. Code §§ 5.71-5.76 establish the standards and requirements for a party to intervene in an action before the Commission. Section 5.72 sets forth the eligibility requirements for a party to intervene, which provides, in pertinent part, as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) 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.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa. Code § 5.72. The eligibility requirements for an interested party to intervene in an action before the Commission is less strict and easier to satisfy than the common law standard for

intervention. *Application of Metropolitan Edison Co. for Approval to Construct an Electric Generating Unit Fueled by Natural Gas*, Docket No. A-110300, 1994 Pa. PUC LEXIS 52 (Order entered Feb. 25, 1994) (citing *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975)).

III. FACTS SUPPORTING INTERVENTION

6. David Hughes is the President of Citizen Power and is a customer of Duquesne Light. William H. Carlson, Mark A. Scott, and Curtis Williams are members of the Citizen Power Board of Directors and are customers of Duquesne Light.

7. The principal place of business of Citizen Power is 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217. Citizen Power is a customer of Duquesne Light at this location.

8. Citizen Power devotes almost all of its resources to consumer and environmental protections issues. Citizen Power has participated in numerous proceedings regarding electricity market deregulation, renewable resource standards, energy efficiency, and customer rates in Pennsylvania and Ohio and at the Federal Energy Regulatory Commission (“FERC”). Citizen Power has been a statewide advocate for lower energy costs and increased use of renewable energy and energy-efficiency technologies.

9. Citizen Power has been a participant on behalf of customers in previous Duquesne Light proceedings before the Commission, including Docket No. R-2010-2179522 (Duquesne’s Distribution Rate Plan), Dockets No. P-2012-2301664 and P-2009-2135500 (Duquesne’s Default Service Plans), Docket No. M-2012-23343399 (Duquesne’s Energy Efficiency and Conservation Plan), Docket No. M-2009-2123948 (Duquesne’s Smart Meter Plan), Docket No. P-00072247 (Duquesne’s “POLR IV” proceeding), Docket No. P-00032071 (Duquesne’s “POLR III”

proceeding), Docket No. R-00974104 (Duquesne's "POLR II" Settlement proceeding), Docket No. P-00021969 (regarding Duquesne's petition to modify its "POLR II" Plan in connection with the Company's intention to join PJM West), Docket No. P-00032071 (relating to modification of Duquesne's POLR II rates), and Docket No. R-00974104 (Duquesne's Restructuring Plan).

IV. GROUNDS FOR INTERVENTION

10. Citizen Power has a direct interest in the outcome of this proceeding and meets the standards for intervention set forth in 52 Pa. Code § 5.72(a)(2). Specifically, as a customer of Duquesne Light, Citizen Power has an interest in both the cost and effectiveness of energy efficiency programs.

11. The Commission's regulation also provides that a person who has "[a]nother interest of such nature that participation of the petitioner may be in the public interest" may intervene in the proceeding. 52 Pa. Code § 5.72(a)(3). As both a consumer and environmental advocacy organization, Citizen Power has a unique perspective that cannot be represented by any other party in this proceeding. Citizen Power submits that this unique interest coincides with the public interest and should be considered by the Commission.

12. The interests of Citizen Power are not adequately represented by another party. The other parties in this proceeding are not authorized and do not have standing to fully represent the interests of Citizen Power.

13. Based on the foregoing, Citizen Power has substantial interests that will be directly and immediately affected by the Commission's disposition of the Applicants' Application. Therefore, this Petition to Intervene should be granted.

V. POSITION OF CITIZEN POWER, INC.

14. Citizen Power believes that this proposed Plan needs to be fully investigated by the Commission. Citizen Power is specifically concerned whether the Plan, as proposed, satisfies the requirements of Act 129 and related Commission Orders.

15. At this time, Citizen Power continues to evaluate its position on the Phase III Plan and will refine its position based upon further study of the plan, review of discovery and additional input from other parties. Citizen Power reserves the right to raise other issues as necessary and appropriate during the course of the proceeding and to respond to issues raised by other parties.

VI. COUNSEL

16. Citizen Power will be represented in this proceeding by the following counsel:

Theodore S. Robinson, Esq.
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

Phone: 412-421-7029
Fax: 412-421-6162
Email: robinson@citizenpower.com

18. Counsel consents to the service of documents by electronic mail to robinson@citizenpower.com, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, for all of the foregoing reasons, Citizen Power believes that its intervention in this proceeding satisfies the legal standards for intervention and will serve the public interest. Citizen Power respectfully requests that the Commission grant this Petition to Intervene in the above-captioned matter and give it full party status in this proceeding.

Respectfully submitted,



Theodore S. Robinson, Esquire
PA Attorney ID No. 203852

Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

Phone: 412-421-7029
Fax: 412-421-6162
Email: robinson@citizenpower.com

Date: January 4, 2016

Counsel for Citizen Power

VERIFICATION

I, David Hughes, hereby state that the facts set forth above 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: January 4, 2016

A handwritten signature in black ink, appearing to read "David Hughes", written over a horizontal line.

David Hughes
President
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Petition to Intervene of Citizen Power, Inc. upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Robert H. Hoaglund, Esquire
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219

Joesph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704

Michael A. Gruin, Esq.
Stevens & Lee, P.C..
17 North Second Street, 16th Floor
Harrisburg, PA 17101

Carl R. Shultz, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101

Linda R. Evers, Esq.
Stevens & Lee, P.C..
111 N. Sixth Street, PO Box 679
Reading, PA 19601

Derrick Price Williamson, Esquire
Barry A. Naum, Esquire
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050

Johnnie E. Simms, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Patrick M. Cicero, Esquire
Joline Price, Esquire
Elizabeth R. Marx, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101

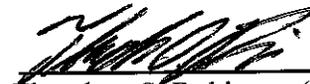
Elizabeth Rose Triscari, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Darryl Lawrence, Esquire
Lauren M. Burge, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Pamela C. Polacek, Esquire
Teresa K. Schmittberger, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166

Dated this 4th day of January, 2016

By:



Theodore S. Robinson (PA Bar #203852)
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217
(412) 421-7029 (phone)
(412) 412-6162 (fax)