

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY
Consumer Advocate

January 28, 2009

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE: Petition of Duquesne Light Company for
Special Permission to File a Tariff
Supplement to Become Effective on Less
than Sixty Days Notice
Docket No. P-2008-2079461

Secretary McNulty:

Enclosed for filing is the Notice of Intervention and Public Statement on behalf of the
Office of Consumer Advocate, in the above-referenced proceeding.

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "David T. Evrard".

David T. Evrard
Assistant Consumer Advocate
PA Attorney I.D. # 33870

Enclosures

cc: Honorable Robert P. Meehan
Office of Special Assistants
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company :
For Special Permission to File a Tariff : Docket No. P-2008-2079461
Supplement to Become Effective on Less :
Than Sixty Days Notice :

NOTICE OF INTERVENTION

Pursuant to 52 Pa. Code Section 5.71(a), 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:

David T. Evrard
Assistant Consumer Advocate
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Phone: (717) 783-5048
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Respectfully Submitted,

David T. Evrard
Assistant Consumer Advocate
PA Attorney I.D. # 33870

DATED: January 28, 2009
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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. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention and participate in proceedings before the Commission involving the proposed rate changes requested by Duquesne Light Company (Duquesne). On December 16, 2008, Duquesne filed a “Petition For Special Permission To File A Tariff Supplement To Become Effective On Less Than Sixty Days Notice.” (Petition) Simultaneously, Duquesne filed Supplement No. 17 to Tariff Electric – Pa. PUC No. 24, Duquesne’s core tariff. The intent of Supplement No. 17 was to modify that portion of Duquesne’s Tariff that provides for a Market Price Adjustment Rate Multiplier (MPARM) applicable to small commercial and industrial customers with monthly metered demand of 25 kW or higher. Specifically, Supplement No. 17 seeks to modify the MPARM to separately account for capacity charges that reflect the results of capacity auctions implemented by PJM Interconnection, LLC, under PJM’s Reliability Pricing Model.

On December 19, 2008, the Office of Small Business Advocate (OSBA) filed an Answer to Duquesne’s Petition and a Complaint against Supplement No. 17. The OSBA’s Answer and its Complaint contend that the relief sought by the Petition and the rate modification proposed by Supplement No. 17 are inconsistent with applicable provisions of the Public Utility Code and are therefore unlawful. OSBA’s Answer and Complaint raise important and substantial legal issues that must be addressed by the Commission. In order to ensure that the interests of consumers are protected, the Consumer Advocate has determined that Intervention in this proceeding is warranted.

CERTIFICATE OF SERVICE

Petition of Duquesne Light Company :
For Special Permission to File a Tariff : Docket No. P-2008-2079461
Supplement to Become Effective on Less :
Than Sixty Days Notice :

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

Dated this 28th day of January 2009.

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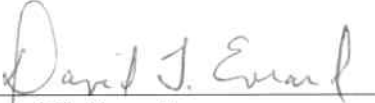
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