

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval :  
of its Act 129 Energy Efficiency and Conservation : Docket No. M-2009-2093215  
Plan and Expedited Approval of its Compact :  
Fluorescent Lamp Program :

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**PROTEST AND PETITION TO INTERVENE**

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Through counsel, Citizens for Pennsylvania's Future (PennFuture), Joy Bergey, Christine Knapp, and Henry Rowan (Individual Petitioners) (collectively, Petitioners) hereby protest the Petition of PECO Energy Company (PECO) for Approval of its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program (Act 129 Petition) and petition the Pennsylvania Public Utility Commission (Commission) to grant Petitioners, individually and collectively, status as Intervenors in the proceedings of the Commission concerning the Act 129 Petition pursuant to 52 Pa. Code §§ 5.51-53, 5.73-75.

Petitioners provide the following in support of their Petition to Intervene:

1. Petitioners are:
  - a. Citizens for Pennsylvania's Future (PennFuture), a Pennsylvania nonprofit corporation with offices in Philadelphia, West Chester, Wilkes-Barre, Harrisburg, and Pittsburgh, Pennsylvania ([www.pennfuture.org](http://www.pennfuture.org)). PennFuture's principal business location is 610 North Third Street, Harrisburg, PA 17101, tel. (717) 214-7920.

PennFuture has members who live in the PECO service territory, are customers of PECO, and/or receive service from PECO. PennFuture engages in policy development, public education, litigation and other strategies to achieve its goals, including promoting clean energy and energy efficiency.

b. Joy Bergey resides at 100 South College Avenue, Flourtown, PA, 19031, where she is a customer receiving distribution service from PECO.

c. Christine Knapp resides at 728 Earp Street, Philadelphia, PA 19147, where she is a customer receiving distribution service from PECO.

d. Henry Rowan resides at 3962 Regina Place, Doylestown, PA 18902, where he is a customer receiving distribution service from PECO.

2. The name and address of counsel for Petitioners is:

Charles McPhedran, Senior Attorney  
PennFuture  
1518 Walnut Street, Suite 1100  
Philadelphia, PA 19102  
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3. Each Individual Petitioner is directly and personally affected by the Proceedings because they reasonably may be expected to affect the safety, reliability, cleanliness and affordability of their public utility service. Each Individual Petitioner depends on electric distribution service from PECO to meet basic necessities of life and risks health and financial consequences if service is not provided in a safe, reliable, clean, and affordable manner.

4. Each Petitioner has a right and interest in assuring that safe, reliable, clean and affordable public utility service, and participation in these Proceedings is an appropriate way to protect these rights and interests. Petitioners may intervene in this proceeding pursuant to 52 Pa. Code §§ 5.51-53, 5.73-75.

5. PennFuture has participated in the PECO Act 129 stakeholder input process, and submitted comments to the Commission in the matter captioned *Energy Efficiency and Conservation Program and EDC Plans*, Docket No. M-2008-2069887.

6. Petitioners have interests in and perspectives on issues in this proceeding that are not adequately represented by other parties of record.

7. Petitioners intend to review and analyze the Act 129 Petition and to present testimony regarding the Act 129 Petition will provide for safe, reliable, clean, and/or affordable utility service.

8. Petitioners protest the Act 129 Petition because it does not include a mechanism to insure that when PECO has energy efficiency or conservation programs in common with other electric distribution companies (“EDCs”) across the state, the programs share standard eligibility thresholds, incentive levels, rebate structures, and education and training courses for suppliers. If the EDCs have consistent programs statewide, it will reduce program costs through economies of scale, reduce confusion among consumers and suppliers (many suppliers operate in more than one service territory), increase transparency, and increase the effectiveness of marketing and branding, thereby encouraging more conservation and implementation of energy efficiency measures. Upon information and belief, PECO met with representatives of at least one other EDC regarding joint programs, but did not reach any agreements

regarding them. Further, Petitioners protest the Plan because it does not include a set schedule to move towards jointly held programs or a statewide program, specifically with respect to the education of contractors that may participate in multiple service territories.

9. Petitioners reserve 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.

10. Under 52 Pa. Code §§ 5.53, 5.74, protests and petitions to intervene may be filed no later than the date fixed for filing protests as published in the Pennsylvania Bulletin. A notice appearing in the Bulletin on July 18, 2009 (39 Pa.B. 4196) set a date of July 27, 2009 for such filings. This protest and petition to intervene is therefore timely.

For the foregoing reasons, Petitioners request that the Commission grant this Petition and confer status as Intervenors in this Proceeding.

Respectfully submitted,

**s/ Charles McPhedran**

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Counsel for Petitioners PennFuture,  
Joy Bergey, Christine Knapp, and Henry Rowan

DATED: July 27, 2009

## VERIFICATION

I, Courtney Lane, am a Policy Analyst for Citizens for Pennsylvania's Future's Center for Energy, Enterprise and the Environment. I hereby state facts set forth herein 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 have registered to use the Public Utility Commission's electronic filing system in accordance with the registration instructions available on the Commission's web site and have obtained a user ID and password. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 concerning unsworn falsification to authorities.

DATE: July 27, 2009

**s/ Courtney Lane**

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Courtney Lane, Energy Analyst  
PennFuture