

PENNSYLVANIA UTILITY LAW PROJECT

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September 25, 2009

VIA ELECTRONIC FILING (E-FILING)

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of PECO Energy Company for Approval of its Smart Meter
Technology Procurement and Installation Plan
Docket No. M-2009-2123944**

Dear Secretary McNulty:

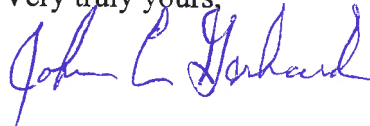
Enclosed for filing in the above-captioned proceeding, please find a:

- Petition to Intervene,
- Pre Hearing Memorandum, and
- Comments

on behalf of the Pennsylvania Association of Community Organizations for Reform Now ("ACORN"). Parties of record have been served per the attached Certificate of Service.

As always, please feel free to contact me with any questions.

Very truly yours,



John C. Gerhard, Esq.
Counsel for ACORN

Enclosure

cc: Honorable Marlane R. Chestnut
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have served true copies of a Petition to Intervene, Pre Hearing Memorandum, and Comments on the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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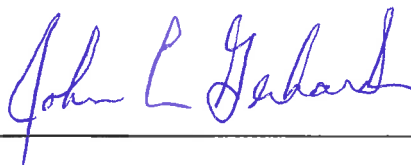
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John C. Gerhard, Esq.
Counsel for ACORN

Dated: September 25, 2009

**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 :**

**PETITION TO INTERVENE ON BEHALF OF THE
PENNSYLVANIA ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW (“ACORN”)**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Pennsylvania Association of Community Organizations for Reform Now, by and through their counsel, the Pennsylvania Utility Law Project, 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 Sections 5.71-5.74, and in support thereof states as follows:

1. The Petitioners are represented by the Pennsylvania Utility Law Project. Attorneys receiving service of all documents in this proceeding are:

Harry S. Geller, Esq.
John C. Gerhard, Esq.
Julie George, Esq.
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2. On August 14, 2009, pursuant to the requirements of Act 129, PECO Energy Company (“PECO” or “company”) filed with the Pennsylvania Public Utility Commission a petition seeking approval of PECO’s Smart Meter Technology Procurement and Installation Plan. *Petition of PECO Energy Company for Approval of its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123944 (Filed August 14, 2009) (“Petition”).
3. The Petition outlines PECO’s plans to design, procure, and implement a Smart Meter network over two phases in three major filings and its plans to implement new rate structures to take advantage of the new smart metering system (i.e. time of use rates and real time pricing plans). Phase One of PECO’s Smart Meter Plan includes the acquisition of a meter data management system and advanced metering network, an initial acquisition and deployment of up to 600,000 smart meters, and a testing and validation process. Petition at 5-6. In 2010 during Phase One, PECO will file for approval an initial dynamic pricing and customer acceptance program. *Id.* at 7. In 2012, Phase Two will begin the universal acquisition and deployment of all of the rest of the smart meters. *Id.* at 6. The Smart Meter Plan will affect PECO’s low income customers by imposing upon them new costs, requiring of them the use of new technologies, and imposing upon them new rate schedules.
4. The Petitioner, Pennsylvania ACORN, is a not-for-profit chapter of the Association of Community Organizations for Reform Now (“ACORN”), an advocacy and membership

organization whose mission is to advocate on behalf of low and lower income persons on numerous consumer issues, including access to and the affordability of public utility service.

5. Many ACORN constituents reside within the company's service territory and receive electric distribution service from the company. The company's proposed Smart Meter Plan will have direct, immediate, substantial, and distinct effects upon the interests of ACORN constituents.

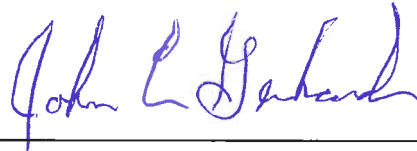
6. Given the novelty of Smart Metering technologies and practices, there are significant questions remaining unanswered regarding the impact Smart Networks, Smart Metering, and dynamic pricing will have on low income customers. What is the real cost of procuring and implementing a smart meter system, and how will these costs fall on low income customers? How will low income customers access, take advantage of, and benefit from the data made available through smart meters and networks? What will be the impact of real time pricing and time of use rates upon low income customers? Will smart metering herald new types of service that have adverse impacts upon low income customers? Each of these questions requires full investigation and consideration in this proceeding.

7. The grounds for ACORN's petition to intervene are to ensure that its interests and those of its constituents are represented in this proceeding, particularly those questions raised in Paragraph 6 supra. Since the interests of ACORN constituents are not adequately

represented at the present time, despite the fact that ACORN constituents will be bound by the Commission's decision, ACORN seeks to intervene in this proceeding.

8. WHEREFORE, ACORN respectfully requests the Pennsylvania Public Utility Commission:
- a. Grant this Petition to Intervene and
 - b. Make such other orders as are just and appropriate.

Respectfully submitted by:



Harry S. Geller, Esq., PA Attorney #22415
John C. Gerhard, Esq., PA Attorney # 94809
Julie George, Esq., PA Attorney # 208482
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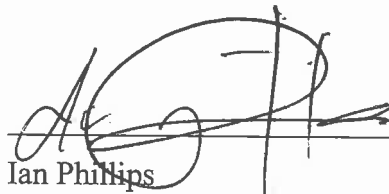
Counsel for ACORN

Dated: September 25, 2009

VERIFICATION

I, Ian Phillips, hereby state that the facts above set forth 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: September 14, 2009

A handwritten signature in black ink, appearing to read 'Ian Phillips', written over a horizontal line.

Ian Phillips
Legislative Director
Pennsylvania ACORN
846 North Broad Street
Philadelphia, PA 19130