



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Fax
www.postschell.com

Andrew S. Tubbs

atubbs@postschell.com
717-612-6057 Direct
717-731-1985 Fax
File #: 2267/143618

January 19, 2010

James J. McNulty
Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

**RE: Petition of Duquesne Light Company to Contest the Finding of Non-Compliance with the Alternative Energy Portfolio Standards Act and Modify the Alternative Compliance Payment or, in the Alternative, Declare a Force Majeure for Duquesne Light Company for the 2008/2009 Alternative Energy Compliance Period
Docket No. P-2010-**

Dear Secretary McNulty:

Enclosed for filing are the original and three (3) copies of the Petition of Duquesne Light Company in the above-referenced proceeding.

Exhibit "E" has been marked **CONFIDENTIAL** and is being provided in a separate envelope.

As indicated on the certificate of service, copies are being provided to the parties in the manner indicated.

Respectfully Submitted,


Andrew S. Tubbs

AST/jl
Enclosures
cc: Certificate of Service

RECEIVED
2010 JAN 19 PM 4:27
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company to :
Contest the Finding of Non-Compliance : Docket No. P-2010-
with the Alternative Energy Portfolio :
Standards Act and Modify the Alternative :
Compliance Payment or, in the Alternative, :
Declare a Force Majeure for Duquesne :
Light Company for the 2008/2009 :
Alternative Energy Compliance Period :

RECEIVED
2010 JAN 19 PM 4:27
PA PUC
SECRETARY'S BUREAU

PETITION OF DUQUESNE LIGHT COMPANY

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company (“Duquesne Light”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code §§ 5.44 and 75.65(c), to contest the Commission’s finding of non-compliance with the Alternative Energy Portfolio Standards Act (“AEPS Act”), and to modify the alternative compliance payment determination or, in the alternative, declare a force majeure for Duquesne Light for the 2008/2009 AEPS compliance period. In support of this Petition, Duquesne Light states as follows:

I. INTRODUCTION AND OVERVIEW

1. This Petition is filed by Duquesne Light, a public utility that provides electric distribution and provider of last resort (“POLR”) services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. Duquesne Light’s principal address is 411 Seventh Ave., 16-4, Pittsburgh, Pennsylvania 15219.

3. Duquesne Light's attorneys are:

David B. MacGregor (Pa. Bar I.D. No. 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Michael W. Gang (Pa. Bar I.D. No.25670)
Andrew S. Tubbs (Pa. Bar I.D. No. 80310)
Christopher T. Wright (Pa. Bar ID # 203412)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mgang@postschell.com
E-mail: atubbs@postschell.com
E-mail: cwright@postschell.com

Gary A. Jack (Pa. Bar I.D. No. 95066)
Kelly Geer (Pa. Bar I.D. No 206556)
Duquesne Light Company
411 Seventh Ave., 16-4
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com
E-Mail: kgreer@duqlight.com

Duquesne Light's attorneys are authorized to receive all notices and communications regarding this Petition. Duquesne Light agrees to receive service of documents electronically in this proceeding, followed with a hard copy.

4. Duquesne Light is a public utility and an electric distribution company ("EDC") as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803. Duquesne Light furnishes electric distribution and POLR electric supply services to

approximately 579,000 customers throughout its certificated service territory, which includes all or portions of the City of Pittsburgh and Allegheny and Beaver Counties, Pennsylvania. Duquesne Light's service territory is located within the service territory of PJM Interconnection, LLC ("PJM"), a regional transmission organization ("RTO") as defined by Section 2 of the AEPS Act. 73 P.S. § 1648.2.

5. Pursuant to the AEPS Act, Act of November 30, 2004, P.L. 1672, *as amended*, 73 P.S. §§ 1648.1-1648.8, EDCs are required, *inter alia*, to acquire alternative energy credits ("AECs") in quantities equal to a percentage of their total retail sales of electricity to all retail electric customers in a reporting period. 73 P.S. § 1648.3.

6. Pursuant to the AEPS Act and the Commission's regulations, Duquesne Light was required to derive certain percentages of its total annual sales to electric customers from designated alternative energy sources for the 2008/2009 AEPS compliance year.¹

7. Duquesne Light acquires its wholesale power and AECs through the procurement services provided by its affiliate, Duquesne Power. Duquesne Power purchases AECs for three

¹ EDCs are exempt from complying with AEC requirements until the end of the EDC's cost-recovery period. 73 P.S. §1648.3(d). Under the AEPS Act, the cost-recovery period is defined as:

[T]he longer of (1) the period during which competitive transition charges under 66 Pa. C.S. § 2808 (relating to competitive transition charge) or intangible transition charges under 66 Pa. C.S. § 2812 (relating to approval of transition bonds) are recovered; or (2) the period during which an electric distribution company operates under a Pennsylvania Public Utility Commission-approved generation rate plan that has been approved prior to or within one year of the effective date of this act, but in no case shall the cost-recovery period under this act extend beyond December 31, 2010.

73 P.S. § 1648.2. Duquesne Light sold its generation to determine stranded costs and used the proceeds to reduce its stranded cost recovery. Duquesne Light's rate caps ended for most customers in 2004. Consequently, Duquesne Light became subject to compliance with the AEC requirements of the AEPS Act on January 1, 2008.

entities: Duquesne Light; Duquesne Light Energy, a retail electric generation supplier (“EGS”); and for Duquesne Power itself.

8. On behalf of Duquesne Light, Duquesne Power procured a total of 114,916 Tier I AECs, the amount required to meet Duquesne Light’s Tier I AEPS obligations for the 2008/2009 AEPS compliance year. Included in this total were 42,980 Tier I AECs generated by Cadillac Renewable Energy (“Cadillac”). The Cadillac facility is a Pennsylvania qualified alternative energy source located in Michigan that is within the RTO service territory of Midwest Independent System Operator (“MISO”).

9. On January 4, 2010, Duquesne Light received a letter from the Commission’s Bureau of Conservation, Economics & Energy Planning, indicating that, based on a review conducted by the Commission’s AEPS credit administrator, Clean Power Markets (“CPM”), Duquesne Light was in non-compliance for the 2008/2009 AEPS compliance year (“Non-Compliance Letter”). A true and correct copy of the Non-Compliance Letter is attached hereto as Exhibit “A.”

10. The Non-Compliance Letter concluded that, pursuant to Section 4 of the AEPS Act, 73 P.S. § 1648.4, the 42,980 Tier I AECs obtained from Cadillac were ineligible for Duquesne Light’s AEPS Act compliance because they were procured from an alternative energy source located outside the geographical boundaries of the Commonwealth and not within the service territory of Duquesne Light’s RTO, PJM. Based thereon, the Non-Compliance Letter imposed an alternative energy compliance payment of \$1,934,100.

11. Duquesne Light herein respectfully requests that the Commission accept the 42,980 Tier I alternative energy credits procured from Cadillac for the 2008/2009 AEPS compliance period or, in the alternative, permit Duquesne Light to acquire an additional 42,980

AECs for the 2009/2010 AEPS compliance period, substitute the Cadillac AECs with banked AECs, exchange the Cadillac AECs for equivalent AECs procured within the PJM service territory or declare a force majeure for Duquesne Light for the 2008/2009 AEPS compliance period and provide Duquesne Light with the option to either make an alternative compliance payment and recover such payment from customers or to comply with Section 75.61 through the purchase of 42,980 additional Tier I AECs in the 2009/2010 compliance period.

12. For the reasons that follow, Duquesne Light's Petition should be granted.

II. ARGUMENT

A. THE COMMISSION SHOULD ACCEPT THE CADILLAC CREDITS FOR THE 2008/2009 AEPS COMPLIANCE PERIOD

13. Duquesne Light acted reasonably and in good faith to obtain the credits needed for the 2008/2009 AEPS compliance period. Through Duquesne Power, Duquesne Light purchased sufficient credits to meet the requirement from multiple sources. A listing of the sources for all the credits utilized for compliance purposes for the subject period is attached hereto as Exhibit "B."

14. It is important that an EDC maintain a diversified portfolio of AECs so that there is no over-reliance on one alternative energy supplier. Therefore, Duquesne Light made an effort to locate numerous sources for its AEC obligations..

15. The Cadillac plant burns wood, in part, to generate electricity. The 42,980 AECs at issue were represented by Cadillac to have been registered and certified by the Commonwealth of Pennsylvania as a qualified alternative energy system and, therefore, qualified to generate AECs for use in Pennsylvania.

16. Duquesne Power conducted due diligence and determined that the Cadillac plant possessed a certificate issued by the Commonwealth, qualifying it as a Pennsylvania alternative energy facility. Certificate No. PA-23008-WDS-I. A true and correct copy of Cadillac's Pennsylvania certification is attached hereto as Exhibit "C."

17. Through its due diligence, Duquesne Power further determined that the Cadillac plant had been deemed a "qualified facility" in Pennsylvania by the Commonwealth for purposes of the AEPS Act. Under the AEPS Act, a facility must apply to and obtain approval from the Commonwealth to be qualified for alternative energy system status. The Commission operates and maintains a website entitled, "Pennsylvania AEPS Alternative Energy Credit Program," located at <http://paaeps.com/credit/index.do>. This website, among other things, lists those alternative energy systems that have been deemed "qualified facilities" under the AEPS Act, including the Cadillac plant. Importantly,, the website does not advise or otherwise provide notice that the listed "qualified facilities" may only be eligible to provide AECs in certain RTO service territories. A true and correct screenshot of the Commission's Pennsylvania AEPS Alternative Energy Credit Program website is attached hereto as Exhibit "D."

18. Further, the Commission has determined that PJM's Generator Attribute Tracking System ("PJM GATS") will be used to record and track generation of credits by generators as well as compliance by load serving entities.² However, similar to the Commission's website, the PJM GATS does not advise or otherwise provide notice that the registered alternative energy systems may only be eligible to provide AECs in certain RTO service territories. Duquesne Power, before purchasing the AECs produced by the Cadillac plant, checked the PJM GATS and

² *Implementation of the Alternative Energy Portfolio Standards Act of 2004: Designation of the Alternative Energy Credits Registry*, Docket No. M-00051865 (Order entered January 31, 2006.)

found that the Cadillac plant was a registered facility in PJM GATS and recorded their production in that system. See Exhibit “E” attached hereto.

19. Because Cadillac was certified by the Commonwealth, approved as a qualified facility by the Commonwealth, listed on the Commission’s website as a qualified facility, and registered in the PJM GATS, Duquesne believed that AECs procured from Cadillac were eligible for compliance with the AEPS Act. Importantly, none of these sources indicated that AECs procured from Cadillac would only be eligible for an EDC located within the MISO service territory. Duquesne reasonably relied on these sources of information to conclude that the 42,980 Tier I AECs it procured from Cadillac would be eligible to meet Duquesne Light’s requirements for the 2008/2009 AEPS compliance period. Moreover, as the Cadillac facility is located in Michigan, a state that has facilities in both PJM and MISO, Duquesne could not have assumed that the Cadillac AECs were restricted solely to the Penn Power service territory.

20. The 2008/2009 AEPS compliance period was the first full reporting period for Duquesne Light, which is well before the first full reporting period of many other Pennsylvania utilities. Admittedly, Duquesne Light did not register its AECs for the 2008/2009 AEPS compliance period with the PJM GATS until August 29, 2009. However, pursuant to the Commission’s regulations, the Commission’s AEPS credit administrator, CPM, was required to issue an initial assessment of compliance within 45 days from the end of the reporting period, *i.e.*, July 15, 2009. *See* 52 Pa. Code § 75.64(c). Duquesne Light was not provided with an initial assessment on July 15, 2009.

21. On October 2, 2009, Duquesne Light received its assessment from the Commission’s credit administrator wherein CPM indicated that Duquesne Light and its affiliates met their obligations for the 2008/2009 AEPS compliance period. Specifically, the October 2,

2009 assessment from CPM states, "I recognize that the totals between the three accounts meet the obligations, but the paperwork needs to reflect the obligation." A true and correct copy of this correspondence is attached hereto as Exhibit "F." Therefore, according to the Commission's AEPS credit administrator, as of October 2, 2009, Duquesne Light was compliant for the 2008/2009 AEPS compliance year.³ It was not until December 23, 2009, over two and one-half months later, that Duquesne Light was first informed that the Cadillac AECs may be ineligible. Duquesne Light should be granted an opportunity, if needed, to remedy the alleged deficiency as provided by both the AEPS Act and the Commission's regulations.

22. At all times material hereto, Duquesne Light has made good faith efforts to obtain the AECs necessary for the 2008/2009 AEPS compliance period. The 42,980 Tier I AECs procured from Cadillac were properly created and certified. Moreover, the Commission's credit administrator, CPM, informed Duquesne Light on October 2, 2009, that it had met its obligations for the 2008/2009 AEPS compliance period. It was not until December 23, 2009, that Duquesne Light was informed that CPM had changed its mind and determined that Duquesne Light was non-complaint. Therefore, Duquesne Light requests the Commission approve the use of the Cadillac credits by Duquesne Light as a part of its overall compliance.

23. If the 42,980 Tier I AECs procured from Cadillac are not accepted, they will be worthless and cannot be resold. Their vintage is June 2006-May 2007 and, thus, these AECs have expired. Consequently, no other EDC or EGS, in Pennsylvania or elsewhere, can use these Cadillac credits for future AEPS compliance periods.

³ The October 2, 2009 correspondence from CPM indicated that some Duquesne certificates (credits) needed to be moved to different accounts for Duquesne Light and its affiliates (Duquesne Light, Duquesne Power and Duquesne Light Energy each have an AEPS accounts). However, CPM states that Duquesne Light's credits did in fact meet the Duquesne Light's obligations for the 2008/2009 AEPs compliance period. *See* Exhibit F.

24. Based on the foregoing, Duquesne Light requests that the 42,980 Tier I AECs procured from Cadillac be accepted for compliance purposes for the 2008/2009 AEPS compliance period. To the extent that the Commission accepts these AECs for purposes of the 2008/2009 AEPS compliance period, Duquesne Light represents that it will make no further purchases of any AECs from alternative energy systems outside Pennsylvania unless they are located within PJM's service territory. However, Duquesne Light is amenable to either acquire an additional 42,980 AECs for the 2009/2010 AEPS compliance period, substitute the Cadillac AECs with banked AECs, exchange the Cadillac AECs for equivalent AECs procured within the PJM service territory.

B. THE COMMISSION SHOULD DECLARE A TIER I FORCE MAJEURE FOR DUQUESNE LIGHT FOR 2008/2009 COMPLIANCE PERIOD.

25. Duquesne Light requests that Commission accept the 42,980 Tier I AECs procured from Cadillac for the 2008/2009 AEPS compliance period. To the extent the Commission determines that the AECs are not eligible, Duquesne Light requests, in the alternative, that the Commission declare a force majeure for Duquesne Light for the 2008/2009 AEPS compliance period and provide Duquesne Light with the option to either make an alternative compliance payment, recoverable from default service customers, or to comply with Section 75.66 through the purchase of 42,980 Tier I AECs in the 2009/2010 compliance period. *See* 52 Pa. Code § 75.66.

26. The AEPS Act provides that an EDC may request that the Commission determine whether AECs are reasonably available in the marketplace for the EDC to meet its obligation for a particular reporting period. 73 P.S. § 1648.2. The Commission has established a process by

which EDCs may request such a declaration. 52 Pa. Code § 75.66.⁴ In determining whether force majeure exists, the Commission must consider, among other things, whether the EDC has “made a good faith effort to acquire sufficient alternative energy to comply with their obligations.” *Id.* Evidence of such good faith efforts shall include, but is not limited to:

(A) Banking alternative energy credits during transition periods.

(B) Seeking alternative energy credits through competitive solicitations.

(C) Seeking to procure alternative energy credits or alternative energy through long-term contracts.

(D) *Other competent evidence the commission credits as demonstrating a good faith effort.*

52 Pa. Code § 75.1 (emphasis added).

27. Duquesne Light made good faith efforts to meet its AEPS requirements for the 2008/2009 compliance period as it successfully procured the required number of AECs for the 2008/2009 AEPS compliance period. CPM’s failure to issue an initial assessment as required by the Commission’s regulations and its subsequent October 2, 2009 finding that Duquesne Light was compliant resulted in a force majeure because Duquesne Light was not provided sufficient notice to address its potential non-compliance. As explained above, Duquesne Light was precluded during the true-up period from responding to CPM’s finding of the Company’s non-compliance for the 2008/2009 AEPS compliance period. It was not until December 23, 2009,

⁴ The Commission’s regulations provide that such requests are to be made within 60 days of the true-up period, *i.e.*, November 2, 2009. However, the AEPS Act does not restrict when requests for force majeure can be made but instead requires that the Commission act on all such requests within sixty days. Therefore, pursuant to 52 Pa. Code § 1.91, Duquesne Light requests that the Commission waive the filing requirement set forth in its regulations. It was impossible for Duquesne Light to comply with Section 75.66 because it was not informed of CPM’s reversal of its October 2, 2009 finding that Duquesne Light was compliant until December 23, 2009. Due to the timing of CPM’s reversal, Duquesne Light was precluded from requesting a force majeure until this time.

that Duquesne Light was notified of its alleged non-compliance -- over three months after the conclusion of the true-up period.⁵ The true-up period is an opportunity for those EDCs that are found to be non-compliant to become compliant for that reporting period. However, Duquesne Light was not provided with any opportunity to provide information in support of the eligibility of the Cadillac credits or to replace these credits to ensure compliance with the AEPS Act.⁶

28. To the extent that the Commission determines that the 42,980 Tier I AECs are not eligible, the Commission should declare that a force majeure exists for Duquesne Light for the 2008/2009 AEPS compliance period and provide Duquesne Light with the option to either make an alternative compliance payment with full recovery of that payment from customers or to comply with Section 75.61 through the purchase of 42,980 Tier I AECs in the 2009/2010 compliance period. 52 Pa. Code § 75.66. Should the Commission determine that the Cadillac credits were not eligible for the 2008/2009 compliance period, Duquesne Light is willing to acquire an additional 42,980 Tier I AECs in the 2009/2010 compliance period.

C. THE LIMITATIONS ON ELIGIBLE ALTERNATIVE ENERGY CREDITS IN SECTION 4 OF THE AEPS ACT VIOLATE THE CONSTITUTION.

28. The Non-Compliance Letter concluded that, pursuant to Section 4 of the AEPS Act, the 42,980 Tier I AECs procured from Cadillac were ineligible to meet Duquesne Light's requirements for the 2008/2009 AEPS compliance period because they were procured from an alternative energy source that is located outside the geographical boundaries of the Commonwealth and not within the service territory of Duquesne Light's RTO, PJM.

29. Section 4 of the AEPS Act provides, in relevant part, as follows:

⁵ The true-up period for the 2008/2009 AEPS compliance period ended on September 1, 2009.

⁶ Duquesne Light notes that had it been informed of the potential non-compliance of the Cadillac credits during the true-up period, that it would have replaced these Tier I credits from its banked credits available at that time.

Energy derived from alternative energy sources inside the geographical boundaries of this Commonwealth shall be eligible to meet the compliance requirements under this act. Energy derived from alternative energy sources located outside the geographical boundaries of this Commonwealth but within the service territory of a regional transmission organization that manages the transmission system in any part of this Commonwealth shall only be eligible to meet the compliance requirements of electric distribution companies or electric generation suppliers located within the service territory of the same regional transmission organization. For purposes of compliance with this act, alternative energy sources located in the PJM Interconnection, L.L.C. regional transmission organization (PJM) or its successor service territory shall be eligible to fulfill compliance obligations of all Pennsylvania electric distribution companies and electric generation suppliers. Energy derived from alternative energy sources located outside the service territory of a regional transmission organization that manages the transmission system in any part of this Commonwealth shall not be eligible to meet the compliance requirements of this act.

73 P.S. § 1648.4. The limitation provided in Section 4 of the AEPS Act violates the dormant Commerce Clause of the United States Constitution and the Equal Protection Clauses of the Pennsylvania and United States Constitutions.

1. Section 4 of the AEPS Act Violates the Commerce Clause.

30. The United States Supreme Court has interpreted the Commerce Clause of the United States Constitution, U.S. Const., art. I, § 8, cl. 3, to invalidate local laws that impose commercial barriers or discriminate against an article of commerce by reason of its origin or destination out of State, otherwise known as the dormant Commerce Clause. *See C&A Carbone v. Town of Clarkstown*, 511 U.S. 383, 390 (U.S. 1994) (citing *Hughes v. Oklahoma*, 441 U.S. 322 (1979)). The Pennsylvania Supreme Court has conducted an extensive analysis of the Commerce Clause and has explained the dormant Commerce Clause as follows:

The Commerce Clause has a negative or dormant aspect which limits the power of the states to erect barriers against interstate trade where Congress has not affirmatively acted to either authorize or forbid the challenged state activity The dormant

Commerce Clause doctrine serves to prevent a state from regulating business in such a way as to provide unfair advantage to its own residents at the expense of residents of another state

Kerbeck Cadillac Pontiac, Inc. v. State Board of Vehicle Mfrs., 854 A.2d 663, 670 (Pa. Cmwlth. 2004) (quoting *Empire Sanitary Landfill v. Pennsylvania Department of Environmental Resources*, 546 Pa. 315, 333, 684 A.2d 1047, 1055 (1996)). The United States Supreme Court has stated that when a statute discriminates against interstate commerce, the only way for a state to validate that statute is to show that it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives. *New Energy Co v. Limbach*, 486 U.S. 269, 278 (1988) (citing *Maine v. Taylor*, 477 U.S. 131, 138, 155 (1986); *Sporhase v. Nebraska ex rel. Douglas*, 458 U.S. 941, 958 (1982); *Hughes v. Oklahoma*, 441 U.S. 332, 336-337 (1979); *Dean Milk Co. v. Madison*, 340 U.S. 349, 354 (1951)).

31. Section 4 of the AEPS Act limits the purchase of AECs to the following three sources: (1) alternative energy sources located inside the geographical boundaries of the Commonwealth; (2) alternative energy sources located outside the Commonwealth, provided that the source and the procuring entity are both located within the service territory of the same RTO; and (3) any alternative energy source located within the service territory of PJM regardless of whether the procuring entity is located within the service territory of PJM.

32. There are two RTOs that operate and manage the transmission grids of Pennsylvania public utilities. The first RTO is PJM, which coordinates the movement of electricity through all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Tennessee, Virginia, West Virginia, District of Columbia, and all of Pennsylvania except Penn Power's service territory and the 4,400 customers of Pike County Light & Power Company. The second RTO is MISO, which coordinates the movement of electricity through all or parts of Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota,

Missouri, Montana, North Dakota, Ohio, South Dakota, Wisconsin, and a portion of Pennsylvania that includes Penn Power's service territory. Although there is some overlap in the service territories of the two RTO's, the States located within the respective service territories are not identical.

33. Because the States located within the respective service territories are not identical, the plain language of Section 4 of the AEPS Act favors alternative energy systems located in States that are within the PJM service territory and discriminates against alternative energy systems located in States that are exclusively within the MISO service territory. Under Section 4 of the AEPS Act, a Pennsylvania EDC located within the MISO service territory, such as Penn Power, can purchase AECs from alternative energy systems located within the service territories of either MISO or PJM, a total of 21 States. However, a Pennsylvania EDC located within the PJM service territory, such as Duquesne Light, can purchase AECs only from alternative energy systems located within the service territory of PJM, a total of 14 States, and not from MISO.

34. This discriminatory exclusion of certain states under Section 4 of the AEPS Act lacks a rational basis and is an unreasonable restraint on interstate commerce. While geographical limitations can have some valid purpose, there is no purpose to deny the use of AECs obtained within the MISO service territory. MISO members can use the PJM GATS just like PJM members can use MISO's tracking system. Geographically, Duquesne Lights's service territory abuts the MISO service territory. There is no geographical connection or purpose served when AECs produced close to Duquesne Light's service territory, such as AECs produced only a few miles away from Duquesne Light's service territory in Ohio, are automatically excluded from being eligible while credits produced in a considerable distance from Duquesne

Light's service territory but within PJM are permissible, such as Illinois.⁷ Accordingly, Section 4 of the AEPS Act violates the dormant Commerce Clause of the United States Constitution.

35. Based on the foregoing, Duquesne Light requests that the 42,980 Tier I AECs procured from Cadillac be accepted for compliance purposes for the 2008/2009 AEPS compliance period.

2. Section 4 of the AEPS Act Violates the Equal Protection Clause.

36. The equal protection clause of the Fourteenth Amendment provides that “No State shall ... deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. Amend XIV, §1. The equal protection clause directs “that all persons similarly situated should be treated alike.”⁸ *City of Cleburne, Texas v. Cleburne Living Center*, 473 U.S. 432, 439 (1985).

37. Section 4 of the AEPS Act limits the purchase of AECs to the following three sources: (1) alternative energy sources located inside the geographical boundaries of the Commonwealth; (2) alternative energy sources located outside the Commonwealth, provided that the source and the procuring entity are both located within the service territory of the same RTO; and (3) any alternative energy source located within the service territory of PJM regardless of whether the procuring entity is located within the service territory of PJM.

⁷ This is further emphasized by the fact that AECs may not be purchased from States that are in closer proximity to Pennsylvania, such as New York, because they are not within the service territory of an RTO that manages a portion of the transmission grid located in Pennsylvania. This exclusion further questions the constitutionality of the requirement that the AECs be purchased by an RTO operating the transmission grid within the Commonwealth under the Dormant Commerce Clause.

⁸ Similarly, the equal protection clause of the Pennsylvania Constitution also provides:

All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Pa. Const. Art. I, §1.

38. Section 4 of the AEPS Act favors those Pennsylvania EDCs located within the MISO service territory by permitting them to purchase AECs from not only those alternative energy systems located within the MISO service territory, but also those alternative energy systems located within the PJM service territory. However, the Act does not permit those Pennsylvania EDCs located within the PJM territory to also purchase AECs from alternative energy systems located within the MISO service territory. Such disparate treatment fails to promote any legitimate state interest or public value. Accordingly, Section 4 of the AEPS Act violates the Equal Protection Clauses of the United States and Pennsylvania Constitutions.

39. It must be presumed that in enacting Section 4 of the AEPS, “the General Assembly does not intend to violate either the Constitution of the United States or of this Commonwealth” 1 Pa. C.S. § 1922(3); *Walters v. Kamppi*, 545 A.2d 975, 978 (Pa. Cmwlth. 1988). To hold that, pursuant to Section 4 of the AEPS Act, the 42,980 Tier I AECs obtained from Cadillac were ineligible for Duquesne Light’s AEPS Act compliance because they were procured from an alternative energy source located outside the geographical boundaries of the Commonwealth and not within the service territory of PJM, results in a violation of the dormant Commerce Clause and Equal Protection Clause as explained above. Clearly, the General Assembly did not intend such unconstitutional results. *See* 1 Pa. C.S. § 1822(3).

40. Based on the foregoing, Duquesne Light requests that the 42,980 Tier I AECs procured from Cadillac be accepted for compliance purposes for the 2008/2009 AEPS compliance period.

III. CONCLUSION

41. To its detriment, Duquesne Light made a good faith effort to meet its AEPS requirements for the 2008/2009 AEPS compliance period as it successfully procured the required number of AECs. In fulfilling its obligations, Duquesne Light reasonably relied on the

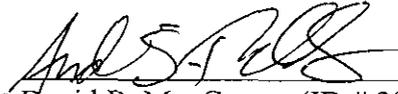
information available from the Commonwealth, PJM GATS, and the Commission to conclude that the 42,980 Tier I AECs procured from Cadillac would be eligible to meet Duquesne Light's requirements for the 2008/2009 AEPS compliance period. Further the Commission's credit administrator originally informed Duquesne Light that it met its 2008/2009 AEPS obligation. Accordingly, Duquesne Light Company respectfully requests that the Commission accept the 42,980 Tier I alternative energy credits procured from Cadillac for the 2008/2009 AEPS compliance period.

42. To the extent that the Commission determines that the 42,980 Tier I AECs are not eligible, the Commission should declare that a force majeure exists for Duquesne Light for the 2008/2009 AEPS compliance and period provide Duquesne Light with the option to either make an alternative compliance payment, recoverable from Duquesne Light's default service customers, or to comply with Section 75.61 through the purchase of 42,980 Tier I AECs in the 2009/2010 compliance period. As Duquesne Light was not informed of its alleged non-compliance until December 23, 2009, it was precluded from addressing CPM's determination during the statutory true-up period.

43. The limitations on eligible AECs in Section 4 of the AEPS Act violate the Constitution. Accordingly, Duquesne Light Company respectfully requests that the Commission accept the 42,980 Tier I alternative energy credits procured from Cadillac for the 2008/2009 AEPS compliance period.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission grant this Petition and modify the alternative compliance payment determination.

Respectfully submitted,



David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Gary A. Jack (ID # 95066)
Kelly Geer (ID # 206556)
Duquesne Light Company
411 Seventh Ave., 16-4
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com
E-mail: kgeer@duqlight.com

Michael W. Gang (ID # 25670)
Andrew S. Tubbs (ID # 8310)
Christopher T. Wright (ID # 203412)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mgang@postschell.com
E-mail: atubbs@postschell.com
E-mail: cwright@postschell.com

Dated: January 19, 2010

Attorneys for Duquesne Light Company

Petition of Duquesne Light Company to Contest and
Modify Initial Determination – Pennsylvania Alternative Energy
Portfolio Standards

VERIFICATION

I, James E. Wilson, state that I am authorized to make this Verification on behalf of Duquesne Light, being a Vice President, and that the facts set forth in the attached filing 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 penalties relating to unsworn falsification.

1/19/10

Date

James E Wilson

James E. Wilson

PA PUC
SECRETARY'S BUREAU

2010 JAN 19 PM 4:27

RECEIVED

**Petition of Duquesne Light Company to Contest the
Finding of Non-Compliance with the Alternative Energy Portfolio
Standards Act and Modify the Alternative Compliance Payment or,
in the Alternative, Declare a Force Majeure for Duquesne Light Company
for the 2008/2009 Alternative Energy Compliance Period**

Exhibit A

RECEIVED

2010 JAN 19 PM 4:27

PA PUC
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Conservation, Economics and Energy Planning
P.O. BOX 3265, HARRISBURG, PA 17105-3265



IN REPLY PLEASE
REFER TO OUR FILE

January 4, 2010

Mr. Gary A. Jack, Ass't. General Counsel
Duquesne Light, Inc.
411 Seventh Avenue
Pittsburgh, PA 15219

RE: Pennsylvania Alternative Energy Portfolio Standards Act (AEPS) Non-Compliance

Dear Mr. Jack:

Pursuant to the Alternative Energy Portfolio Standards Act (AEPS Act) and Pennsylvania Public Utility Commission (PUC) regulations, Duquesne Light, Inc. (Duquesne) is required to derive the following percentages of its total annual sales to electric customers from designated sources for the 2008/2009 AEPS compliance year: 1.9937%-Tier I; .0063%-Tier I Solar Photovoltaic Technology; and 4.2%-Tier II. 73 P.S. §§1648.3(b) & (c) and 52 Pa. Code §75.61. On July 28, 2009, the AEPS Credit Administrator, Dina Deana, notified Duquesne via email of these requirements (spreadsheet attached).

Based on a review conducted by Clean Power Markets (CPM), the PUC's AEPS credit administrator, and Duquesne's sales of 5,763,952 MWh, Duquesne's alternative energy credit compliance obligations under the AEPS Act for the 2008/2009 compliance year are as follows:

Tier	Percentage of Sales	Credit Obligation	Reserve Account	Compliance Status
Tier I	1.9937	114,916	114,916	Non-compliant*
Tier I Solar	.0063	363	363	Compliant
Tier II	4.2	242,086	242,086	Compliant

*As outlined above, Duquesne has a requirement for 114,916 MWh credits for Tier I. While the above table shows that Duquesne had 114,916 MWh of Tier I credits in its reserve account, Commission staff has determined that 42,980 of these credits are ineligible for use by Duquesne for compliance with the AEPS Act. The 42,980 credits at issue were generated by Cadillac Renewable Energy, which is located in the Midwestern Independent System Operator control area, whereas, Duquesne is a part of the PJM Interconnection, LLC Regional Transmission Organization. The relevant portion of the AEPS Act specifically states the following:

Energy derived from alternative energy sources located outside the geographical boundaries of this Commonwealth but within the service territory of a regional transmission organization that manages the transmission system in any part of this

Mr. Gary A. Jack,
Ass't. General Counsel

-2-

January 4, 2010

Commonwealth shall **only** be eligible to meet the compliance requirements of electric distribution companies or electric generation suppliers located within the service territory of the same regional transmission organization.

73 P.S. § 1648.4 (emphasis added).

As the 42,980 credits generated by Cadillac Renewable Energy are ineligible for use by Duquesne for AEPS Act compliance, Duquesne has a 42,980 credit deficiency for Tier I compliance. The Commission is required to impose an alternative compliance payment of \$45 times the number of additional alternative energy credits needed to comply with the AEPS Act. 73 P.S. §§1648.3(f). **Therefore, an alternative energy compliance payment of \$1,934,100 is hereby imposed on Duquesne.**

You have fifteen (15) days from the date of this notice to file a petition with the Secretary of the PUC challenging this alternative compliance payment determination. Failure to respond within fifteen (15) days shall be deemed an acceptance of the determination. See 52 Pa. Code §75.65(c). If you accept this alternative compliance payment determination, payment is due within thirty (30) days of the date on this letter and payable to **PASEB ACP Payment**. See 52 Pa. Code §75.65(d).

Please remit payment to: Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265
Attention: Dr. Wayne Williams, Director
Bureau of Conservation, Economics & Energy Planning

The alternative compliance payments will be paid into a special fund of the PA Sustainable Energy Board and will be used solely for projects that will increase the amount of electric energy generated from alternative resources for compliance purposes. 73 P.S. §§1648.3(g) and 52 Pa. Code §§75.65(e) & (f).

Furthermore, Commission staff notes that as Duquesne purchased the 42,980 credits at issue after the AEPS Act language referenced above became effective, the costs related to the purchase of these credits may not have been prudently or reasonably incurred. As such, a copy of this letter is being sent to the Commission's Bureau of Audits, the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trail Staff.

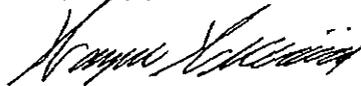
Mr. Gary A. Jack,
Ass't. General Counsel

-3-

January 4, 2010

Thank you for your attention to this matter. If you have any questions, please contact me at 717-787-2139.

Very truly yours,



WAYNE WILLIAMS, Ph.D.
Director
Bureau of Conservation, Economics & Energy Planning

Enclosure

cc: Ms. Dina Deana, PA AEPS Credit Administrator (w/o enc.)
Bureau of Audits
Office of Consumer Advocate
Office of Small Business Advocate
Office of Trail Staff

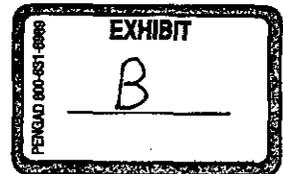
**Petition of Duquesne Light Company to Contest the
Finding of Non-Compliance with the Alternative Energy Portfolio
Standards Act and Modify the Alternative Compliance Payment or,
in the Alternative, Declare a Force Majeure for Duquesne Light Company
for the 2008/2009 Alternative Energy Compliance Period**

Exhibit B

RECEIVED

JAN 19 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**



Duquesne Power - Reporting Year 2009 - RPS Compliance Report

Obligation Requirements

Total MWH = 5,763,952
 Solar @ % 0.0063 = 363
 Tier I @ % 1.9937 = 114,916
 Tier II @ % 4.2000 = 242,086
 Total Obligation = 357,365

Facility Name	Fuel Type	Month of Generation	Certificate Serial Numbers	Quantity	Reason Code	Price per Certificate	Pennsylvania	PA State Number
Sublette solar - Sublette	Solar - Photovoltaic	2008/03	40286 - 1 to 9	9	RPS	\$250.00	Solar Renewable	PA-15030-SUN-I
Sports Car Services, Inc. - Sports Car Services, Inc.	Solar - Photovoltaic	2008/05	43505 - 1 to 34	34	RPS	\$270.00	Tier I	PA-39122-SUN-I
MPWJPW - MPWJPW	Solar - Photovoltaic	2008/06	40387 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10050-SUN-I
Donovan Residence - Solar PV	Solar - Photovoltaic	2008/06	40397 - 6 to 9	4	RPS	\$280.00	Solar Renewable	PA-10021-SUN-I
Flagstone Electric - Flagstone Electric	Solar - Photovoltaic	2008/07	41559 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10026-SUN-I
BP and L - BP and L	Solar - Photovoltaic	2008/07	41609 - 1 to 10	10	RPS	\$270.00	Solar Renewable	PA-10009-SUN-I
Buckley Solar Power - Buckley Solar Power	Solar - Photovoltaic	2008/07	41563 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10010-SUN-I
Carter-Crofts Solar System - Carter-Crofts Solar System	Solar - Photovoltaic	2008/07	41578 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10013-SUN-I
Copeland Solar - Copeland Solar	Solar - Photovoltaic	2008/07	41580 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10016-SUN-I
Cynthia Huffman Solar - Cynthia Huffman Solar	Solar - Photovoltaic	2008/07	41581 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10017-SUN-I
Danyo - Danyo	Solar - Photovoltaic	2008/07	41582 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10018-SUN-I
Good Day Sunshine Electric Company - Good Day Sunshine Electric Company	Solar - Photovoltaic	2008/07	41601 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10028-SUN-I
Held at Bay Solar - Held at Bay Solar	Solar - Photovoltaic	2008/07	41600 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10032-SUN-I
Helios Electric - Helios Electric	Solar - Photovoltaic	2008/07	41596 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10033-SUN-I
Hollinger's - Hollinger's	Solar - Photovoltaic	2008/07	41575 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10034-SUN-I
Home Grown Watts - Home Grown Watts	Solar - Photovoltaic	2008/07	41576 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10035-SUN-I
Irwin-Wahler - Irwin-Wahler	Solar - Photovoltaic	2008/07	41584 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10036-SUN-I
Jacksix - Jacksix	Solar - Photovoltaic	2008/07	41611 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10037-SUN-I
Jade Run Farm - Jade Run Farm	Solar - Photovoltaic	2008/07	41573 - 1 to 6	6	RPS	\$270.00	Solar Renewable	PA-10038-SUN-I
Just A Trickle - Just A Trickle	Solar - Photovoltaic	2008/07	41612 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10040-SUN-I
Karla's Part of the Solution - Karla's Part of the Solution	Solar - Photovoltaic	2008/07	41610 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10041-SUN-I
Law Office of Vance A. Funk, PA - Law Office of Vance A. Funk, PA	Solar - Photovoltaic	2008/07	41568 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10043-SUN-I
Mace Place - Mace Place	Solar - Photovoltaic	2008/07	41560 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10046-SUN-I
MARSHALL-STEELI - MARSHALL-STEELI	Solar - Photovoltaic	2008/07	41597 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10047-SUN-I
Mc C Photon Pump - Mc C Photon Pump	Solar - Photovoltaic	2008/07	41598 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10048-SUN-I
Monroe P&L - Monroe P&L	Solar - Photovoltaic	2008/07	41594 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10049-SUN-I
My Retirement - My Retirement	Solar - Photovoltaic	2008/07	41561 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10051-SUN-I
Platt Plex - Platt Plex	Solar - Photovoltaic	2008/07	41567 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10053-SUN-I
Ra Ra Ra energy - Ra Ra Ra energy	Solar - Photovoltaic	2008/07	41585 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10056-SUN-I
Residence of Charles Mulholland - Residence of Charles Mulholland	Solar - Photovoltaic	2008/07	41562 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10059-SUN-I
RGPP - RGPP	Solar - Photovoltaic	2008/07	41566 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10060-SUN-I
Rmayhome1102 - Rmayhome1102	Solar - Photovoltaic	2008/07	41579 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10062-SUN-I
Segura Household - Segura Household	Solar - Photovoltaic	2008/07	41572 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10068-SUN-I
Select Power - Select Power	Solar - Photovoltaic	2008/07	41574 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10069-SUN-I
Singletree Farm - Singletree Farm	Solar - Photovoltaic	2008/07	41577 - 1 to 12	12	RPS	\$270.00	Solar Renewable	PA-10070-SUN-I
ESB Inc Residential - Berzins	Solar - Photovoltaic	2008/10	45136 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10023-SUN-I
Falletta Residence - Solar PV	Solar - Photovoltaic	2008/10	45138 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10025-SUN-I
SunLion Energy - Mundy C	Solar - Photovoltaic	2008/10	46901 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
Bauer Residence - Solar PV	Solar - Photovoltaic	2008/12	47066 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10095-SUN-I
Cermet Material 1 - Solar PV	Solar - Photovoltaic	2008/12	47051 - 1 to 6	6	RPS	\$280.00	Solar Renewable	PA-10014-SUN-I
Cermet Materials 2 - Solar PV	Solar - Photovoltaic	2008/12	47052 - 1 to 5	5	RPS	\$280.00	Solar Renewable	PA-10015-SUN-I
Delaware City Volunteer Fire Co. - Solar PV	Solar - Photovoltaic	2008/12	47059 - 1 to 8	8	RPS	\$280.00	Solar Renewable	PA-10097-SUN-I
Donovan Residence - Solar PV	Solar - Photovoltaic	2008/12	47048 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10021-SUN-I
Huot Residence - Solar PV	Solar - Photovoltaic	2008/12	47067 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10099-SUN-I
McBane Residence - Solar PV	Solar - Photovoltaic	2008/12	47057 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10100-SUN-I
PE FALLS SOLAR - 4	Solar - Photovoltaic	2008/12	47924 - 1 to 26	26	RPS	\$300.00	Solar Renewable	PA-39164-SUN-I
Reid Residence - Solar PV	Solar - Photovoltaic	2008/12	47050 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10058-SUN-I
SunLion Energy - Brackbill D	Solar - Photovoltaic	2008/12	47136 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Harris D	Solar - Photovoltaic	2008/12	47176 - 1 to 2	2	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Hopewell Org	Solar - Photovoltaic	2008/12	47175 - 1 to 3	3	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Kanuha E	Solar - Photovoltaic	2008/12	47137 - 1 to 8	8	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Martin D	Solar - Photovoltaic	2008/12	47135 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
Thistle Residence - Solar PV	Solar - Photovoltaic	2008/12	47055 - 1 to 2	2	RPS	\$280.00	Solar Renewable	PA-10080-SUN-I
Binnobose Residence - Solar PV	Solar - Photovoltaic	2009/01	48737 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10007-SUN-I
Jennings Residence - Solar PV	Solar - Photovoltaic	2009/01	48431 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10039-SUN-I

Krespach Residence - Solar PV	Solar - Photovoltaic	2009/01	48457 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10042-SUN-I
SunLion Energy - Bartkowiak A	Solar - Photovoltaic	2009/01	50696 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Hopewell Org	Solar - Photovoltaic	2009/01	50715 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Martin D	Solar - Photovoltaic	2009/01	50698 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
B Washington Residence - Solar PV	Solar - Photovoltaic	2009/02	49763 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10005-SUN-I
Boyd Residence - Solar PV	Solar - Photovoltaic	2009/02	49989 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10008-SUN-I
Cermet Material 1 - Solar PV	Solar - Photovoltaic	2009/02	49749 - 1 to 4	4	RPS	\$280.00	Solar Renewable	PA-10014-SUN-I
Cermet Materials 2 - Solar PV	Solar - Photovoltaic	2009/02	49804 - 1 to 5	5	RPS	\$280.00	Solar Renewable	PA-10015-SUN-I
Oavis Residence - Solar PV	Solar - Photovoltaic	2009/02	49813 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10019-SUN-I
Delaware City Volunteer Fire Co. - Solar PV	Solar - Photovoltaic	2009/02	49688 - 1 to 8	8	RPS	\$280.00	Solar Renewable	PA-10097-SUN-I
Donovan Residence - Solar PV	Solar - Photovoltaic	2009/02	49789 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10021-SUN-I
Driscoll Residence - Solar PV	Solar - Photovoltaic	2009/02	49648 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10022-SUN-I
Gowan Residence - Solar PV	Solar - Photovoltaic	2009/02	49780 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10029-SUN-I
Powell Residence - Solar PV	Solar - Photovoltaic	2009/02	49718 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10103-SUN-I
PS DuPont Middle School - Solar PV	Solar - Photovoltaic	2009/02	49965 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10055-SUN-I
Reid Residence - Solar PV	Solar - Photovoltaic	2009/02	49690 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10058-SUN-I
SunLion Energy - Crouter F	Solar - Photovoltaic	2009/02	50768 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Kanuha E	Solar - Photovoltaic	2009/02	50741 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Martin D	Solar - Photovoltaic	2009/02	50749 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
Thistle Residence - Solar PV	Solar - Photovoltaic	2009/02	49732 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10080-SUN-I
Tong Residence - Solar PV	Solar - Photovoltaic	2009/02	49669 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10081-SUN-I
Ward Residence - Solar PV	Solar - Photovoltaic	2009/02	49983 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10082-SUN-I
Wright Residence - Solar PV	Solar - Photovoltaic	2009/02	49820 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10086-SUN-I
Z Washington - Solar PV	Solar - Photovoltaic	2009/02	49696 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10104-SUN-I
Bauer Residence - Solar PV	Solar - Photovoltaic	2009/03	51462 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10085-SUN-I
Biggs Residence - Solar PV	Solar - Photovoltaic	2009/03	51501 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10096-SUN-I
Binnebose Residence - Solar PV	Solar - Photovoltaic	2009/03	51514 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10007-SUN-I
Cermet Material 1 - Solar PV	Solar - Photovoltaic	2009/03	51043 - 1 to 5	5	RPS	\$280.00	Solar Renewable	PA-10014-SUN-I
Cermet Materials 2 - Solar PV	Solar - Photovoltaic	2009/03	51525 - 1 to 4	4	RPS	\$280.00	Solar Renewable	PA-10015-SUN-I
Delaware City Volunteer Fire Co. - Solar PV	Solar - Photovoltaic	2009/03	51130 - 1 to 8	8	RPS	\$280.00	Solar Renewable	PA-10097-SUN-I
Evans Residence - Solar PV	Solar - Photovoltaic	2009/03	51122 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10024-SUN-I
Fallatta Residence - Solar PV	Solar - Photovoltaic	2009/03	51474 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10025-SUN-I
Gowan Residence - Solar PV	Solar - Photovoltaic	2009/03	51559 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10029-SUN-I
Huot Residence - Solar PV	Solar - Photovoltaic	2009/03	51424 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10089-SUN-I
Jennings Residence - Solar PV	Solar - Photovoltaic	2009/03	51170 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10039-SUN-I
Krespach Residence - Solar PV	Solar - Photovoltaic	2009/03	51026 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10042-SUN-I
Lebischak Residence - Solar PV	Solar - Photovoltaic	2009/03	51155 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10044-SUN-I
McBane Residence - Solar PV	Solar - Photovoltaic	2009/03	51085 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10100-SUN-I
Mormul Residence - Solar PV	Solar - Photovoltaic	2009/03	51056 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10101-SUN-I
Noble Residence - Solar PV	Solar - Photovoltaic	2009/03	51194 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10052-SUN-I
Powell Residence - Solar PV	Solar - Photovoltaic	2009/03	51086 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10103-SUN-I
PS DuPont Middle School - Solar PV	Solar - Photovoltaic	2009/03	51420 - 1 to 2	2	RPS	\$280.00	Solar Renewable	PA-10055-SUN-I
Read Residence - Solar PV	Solar - Photovoltaic	2009/03	51196 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10057-SUN-I
Snyder Residence - Solar PV	Solar - Photovoltaic	2009/03	51532 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10071-SUN-I
SunLion Energy - Crouter F	Solar - Photovoltaic	2009/03	51478 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Harris D	Solar - Photovoltaic	2009/03	51033 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Kanuha E	Solar - Photovoltaic	2009/03	51042 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Shaffer R	Solar - Photovoltaic	2009/03	51050 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
Thistle Residence - Solar PV	Solar - Photovoltaic	2009/03	51024 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10080-SUN-I
Ward Residence - Solar PV	Solar - Photovoltaic	2009/03	51452 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10082-SUN-I
SunLion Energy - Brackbill D	Solar - Photovoltaic	2009/04	56631 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Crouter F	Solar - Photovoltaic	2009/04	56632 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Kanuha E	Solar - Photovoltaic	2009/04	56617 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Martin D	Solar - Photovoltaic	2009/04	56605 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Mundy C	Solar - Photovoltaic	2009/04	56615 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
Binnebose Residence - Solar PV	Solar - Photovoltaic	2009/05	57400 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10007-SUN-I
Boyd Residence - Solar PV	Solar - Photovoltaic	2009/05	56982 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10008-SUN-I
Cermet Material 1 - Solar PV	Solar - Photovoltaic	2009/05	57161 - 1 to 4	4	RPS	\$280.00	Solar Renewable	PA-10014-SUN-I
Cermet Materials 2 - Solar PV	Solar - Photovoltaic	2009/05	57405 - 1 to 4	4	RPS	\$280.00	Solar Renewable	PA-10015-SUN-I
SunLion Energy - Crouter F	Solar - Photovoltaic	2009/05	57081 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Honeyman R	Solar - Photovoltaic	2009/05	57738 - 1 to 2	2	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Hopewell Org	Solar - Photovoltaic	2009/05	57753 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Kanuha E	Solar - Photovoltaic	2009/05	57172 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
SunLion Energy - Martin D	Solar - Photovoltaic	2009/05	57421 - 1 to 1	1	RPS	\$300.00	Solar Renewable	PA-39114-SUN-I
The Firechase Circle Solar - The Firechase Circle Solar	Solar - Photovoltaic	2008/07	41556 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10078-SUN-I

Stump Ranch - Stump Ranch	Solar - Photovoltaic	2008/07	41557 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10075-SUN-I
Sun Run - Sun Run	Solar - Photovoltaic	2008/07	41564 - 1 to 1	1	RPS	\$270.00	Solar Renewable	PA-10076-SUN-I
Wuppleeshla - Wuppleeshla	Solar - Photovoltaic	2008/07	41571 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10087-SUN-I
West Mill Station - West Mill Station	Solar - Photovoltaic	2008/07	41585 - 1 to 2	2	RPS	\$270.00	Solar Renewable	PA-10084-SUN-I
Sunny Peace - Sunny Peace	Solar - Photovoltaic	2008/07	41593 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10077-SUN-I
STENCO - STENCO	Solar - Photovoltaic	2008/07	41595 - 1 to 4	4	RPS	\$270.00	Solar Renewable	PA-10074-SUN-I
Delaware National Estuarine Research Reserve - St. Jones Reserve	Solar - Photovoltaic	2008/07	41599 - 1 to 8	8	RPS	\$270.00	Solar Renewable	PA-10020-SUN-I
SolarisVigoris Expugnatoris - Solaris Vigoris Expugnatoris	Solar - Photovoltaic	2008/07	41608 - 1 to 3	3	RPS	\$270.00	Solar Renewable	PA-10073-SUN-I
PS DuPont Middle School - Solar PV	Solar - Photovoltaic	2008/08	42828 - 2 to 3	2	RPS	\$280.00	Solar Renewable	PA-10055-SUN-I
Boyd Residence - Solar PV	Solar - Photovoltaic	2008/08	42802 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10008-SUN-I
Cermet Material 1 - Solar PV	Solar - Photovoltaic	2008/08	42830 - 1 to 6	6	RPS	\$280.00	Solar Renewable	PA-10014-SUN-I
Cermet Materials 2 - Solar PV	Solar - Photovoltaic	2008/08	42831 - 1 to 6	6	RPS	\$280.00	Solar Renewable	PA-10015-SUN-I
Noble Residence - Solar PV	Solar - Photovoltaic	2008/08	42834 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10052-SUN-I
Biggs Residence - Solar PV	Solar - Photovoltaic	2008/09	44076 - 6 to 6	1	RPS	\$280.00	Solar Renewable	PA-10096-SUN-I
Ward Residence - Solar PV	Solar - Photovoltaic	2008/09	44025 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10082-SUN-I
B Washington Residence - Solar PV	Solar - Photovoltaic	2008/09	44076 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10005-SUN-I
Snyder Residence - Solar PV	Solar - Photovoltaic	2008/09	44027 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10071-SUN-I
Sandridge Residence - Solar PV	Solar - Photovoltaic	2008/09	44030 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10063-SUN-I
PS DuPont Middle School - Solar PV	Solar - Photovoltaic	2008/09	44042 - 1 to 1	1	RPS	\$280.00	Solar Renewable	PA-10055-SUN-I
Delaware City Volunteer Fire Co. - Solar PV	Solar - Photovoltaic	2008/09	44051 - 1 to 8	8	RPS	\$280.00	Solar Renewable	PA-10097-SUN-I
						Total Solar	363	
						Weighted Average \$/REC	\$278.85	
						Total Cost of Compliance - Solar	\$101,150.00	

FacilityName	Fuel Type	Month of Generation	Certificate Serial Numbers	Quantity	Reason Code	Price per Certificate	Pennsylvania	PA State Number
Roxana Resource Recovery, LLC - RX1-RX4	Captured Methane - Landfill Gas	2006/06	21883 - 1 to 1951	1951	RPS	\$5.75	Tier I	PA-15013-LFG-I
CID - LFG Turbines	Captured Methane - Landfill Gas	2006/06	21886 - 2459 to 2790	332	RPS	\$5.50	Tier I	PA-15019-LFG-I
Zion LFG Power Station - GM 1 thought 4	Captured Methane - Landfill Gas	2006/07	21902 - 1 to 1530	1530	RPS	\$5.75	Tier I	PA-15016-LFG-I
Kankakee - LFG Engines	Captured Methane - Landfill Gas	2006/07	21916 - 1 to 1069	1069	RPS	\$7.50	Tier I	PA-15017-LFG-I
Woodland - LFG Engines	Captured Methane - Landfill Gas	2006/07	21918 - 1 to 897	897	RPS	\$5.50	Tier I	PA-15021-LFG-I
CID - LFG Turbines	Captured Methane - Landfill Gas	2006/07	21917 - 6 to 2178	2173	RPS	\$5.50	Tier I	PA-15018-LFG-I
Kankakee - LFG Engines	Captured Methane - Landfill Gas	2006/08	21946 - 1 to 1	1	RPS	\$7.50	Tier I	PA-15017-LFG-I
Woodland - LFG Engines	Captured Methane - Landfill Gas	2006/08	21948 - 1 to 1038	1038	RPS	\$5.50	Tier I	PA-15021-LFG-I
Settlers Hill - LFG Turbines	Captured Methane - Landfill Gas	2006/08	21949 - 1 to 3314	3314	RPS	\$5.50	Tier I	PA-15022-LFG-I
Roxana Resource Recovery, LLC - RX1-RX4	Captured Methane - Landfill Gas	2006/08	21944 - 718 to 1710	993	RPS	\$5.75	Tier I	PA-15013-LFG-I
Cadillac Renewable Energy - 316x88	Wood - Wood/Wood Waste Solids	2006/08	18061 - 151898 to 162060	10163	RPS	\$8.00	Tier I	PA-23008-WDS-I
Beecher - Beecher	Captured Methane - Landfill Gas	2006/08	19124 - 1351 to 1506	156	RPS	\$5.75	Tier I	PA-15005-LFG-I
Cadillac Renewable Energy - 316x88	Wood - Wood/Wood Waste Solids	2006/08	18061 - 148749 to 151897	3149	RPS	\$8.00	Tier I	PA-23008-WDS-I
Cadillac Renewable Energy - 316x88	Wood - Wood/Wood Waste Solids	2006/09	19152 - 1 to 9688	9688	RPS	\$8.00	Tier I	PA-23008-WDS-I
Roxana Resource Recovery, LLC - RX1-RX4	Captured Methane - Landfill Gas	2006/09	21980 - 1 to 2229	2229	RPS	\$5.75	Tier I	PA-15013-LFG-I
Woodland - LFG Engines	Captured Methane - Landfill Gas	2006/09	21984 - 1 to 1053	1053	RPS	\$5.50	Tier I	PA-15021-LFG-I
Settlers Hill - LFG Turbines	Captured Methane - Landfill Gas	2006/09	21985 - 1 to 3335	3335	RPS	\$5.50	Tier I	PA-15022-LFG-I
Cadillac Renewable Energy - 316x88	Wood - Wood/Wood Waste Solids	2006/09	19152 - 32457 to 39307	6851	RPS	\$8.00	Tier I	PA-23008-WDS-I
Cadillac Renewable Energy - 316x88	Wood - Wood/Wood Waste Solids	2006/09	19152 - 9689 to 22817	13129	RPS	\$8.00	Tier I	PA-23008-WDS-I
Zion LFG Power Station - GM 1 thought 4	Captured Methane - Landfill Gas	2006/10	22005 - 1 to 567	567	RPS	\$5.75	Tier I	PA-15016-LFG-I
Brickyard Energy Partners, LLC - BR1, BR2, BR3	Captured Methane - Landfill Gas	2006/10	22008 - 1 to 1882	1882	RPS	\$0.50	Tier I	PA-15007-LFG-I
Roxana Resource Recovery, LLC - RX1-RX4	Captured Methane - Landfill Gas	2006/10	22018 - 1 to 2880	2880	RPS	\$5.75	Tier I	PA-15013-LFG-I
Woodland - LFG Engines	Captured Methane - Landfill Gas	2006/10	22022 - 1 to 1116	1116	RPS	\$5.50	Tier I	PA-15021-LFG-I
Beecher - Beecher	Captured Methane - Landfill Gas	2006/10	22000 - 1001 to 1501	501	RPS	\$5.75	Tier I	PA-15005-LFG-I
Zion LFG Power Station - GM 1 thought 4	Captured Methane - Landfill Gas	2006/11	22054 - 1 to 1417	1417	RPS	\$5.75	Tier I	PA-15016-LFG-I
Brickyard Energy Partners, LLC - BR1, BR2, BR3	Captured Methane - Landfill Gas	2006/11	22057 - 1 to 1571	1571	RPS	\$0.50	Tier I	PA-15007-LFG-I
Dixon/Lee Energy Partners - Units 1 - 4	Captured Methane - Landfill Gas	2006/11	22061 - 1 to 2143	2143	RPS	\$5.75	Tier I	PA-15010-LFG-I
Roxana Resource Recovery, LLC - RX1-RX4	Captured Methane - Landfill Gas	2006/11	22067 - 1 to 2271	2271	RPS	\$5.75	Tier I	PA-15013-LFG-I
Woodland - LFG Engines	Captured Methane - Landfill Gas	2006/11	22071 - 1 to 1064	1064	RPS	\$5.50	Tier I	PA-15021-LFG-I
Settlers Hill - LFG Turbines	Captured Methane - Landfill Gas	2006/11	22072 - 204 to 1488	1285	RPS	\$5.50	Tier I	PA-15022-LFG-I
Zion LFG Power Station - GM 1 thought 4	Captured Methane - Landfill Gas	2006/12	22128 - 1 to 1119	1119	RPS	\$5.75	Tier I	PA-15016-LFG-I
Roxana Resource Recovery, LLC - RX1-RX4	Captured Methane - Landfill Gas	2006/12	22141 - 1 to 2138	2138	RPS	\$5.75	Tier I	PA-15013-LFG-I
Woodland - LFG Engines	Captured Methane - Landfill Gas	2006/12	22145 - 1 to 1111	1111	RPS	\$5.50	Tier I	PA-15021-LFG-I
Settlers Hill - LFG Turbines	Captured Methane - Landfill Gas	2006/12	22146 - 1 to 100	100	RPS	\$7.50	Tier I	PA-15022-LFG-I
Brickyard Energy Partners, LLC - BR1, BR2, BR3	Captured Methane - Landfill Gas	2007/01	25027 - 1 to 1663	1663	RPS	\$0.50	Tier I	PA-15007-LFG-I
Model LFG Power Station - GM 1 & 2	Captured Methane - Landfill Gas	2007/01	23995 - 1 to 1529	1529	RPS	\$5.75	Tier I	PA-36006-LFG-I
West Point Mill - GEN8-12	Wood - Wood/Wood Waste Solids	2007/01	33193 - 10001 to 12461	2461	RPS	\$0.50	Tier I	PA-46045-WDS-I
Brickyard Energy Partners, LLC - BR1, BR2, BR3	Captured Methane - Landfill Gas	2007/02	25028 - 1 to 431	431	RPS	\$0.50	Tier I	PA-15007-LFG-I
Model LFG Power Station - GM 1 & 2	Captured Methane - Landfill Gas	2007/02	23996 - 1 to 603	603	RPS	\$5.75	Tier I	PA-36006-LFG-I
West Point Mill - GEN8-12	Wood - Wood/Wood Waste Solids	2007/02	33197 - 1 to 10671	10671	RPS	\$0.50	Tier I	PA-46045-WDS-I
Model LFG Power Station - GM 1 & 2	Captured Methane - Landfill Gas	2007/03	27802 - 1 to 798	798	RPS	\$5.75	Tier I	PA-36006-LFG-I

West Point Mill - GEN8-12
 Model LFG Power Station - GM 1 & 2
 West Point Mill - GEN8-12

Wood - Wood/Wood Waste Solids	2007/03	33201 - 1 to 10702	10702	RPS	\$0.50	Tier I	PA-46045-WDS-I
Captured Methane - Landfill Gas	2007/04	27803 - 1 to 520	520	RPS	\$5.75	Tier I	PA-36006-LFG-I
Wood - Wood/Wood Waste Solids	2007/04	33206 - 1 to 1322 of 13159	1322	RPS	\$0.50	Tier I	PA-46045-WDS-I
			Total Tier I		114,916		
			Weighted Average \$/REC		\$5.17		
			Total Cost of Compliance - Tier I		\$594,149.25		

Facility Name	Fuel Type	Month of Generation	Certificate Serial Numbers	Quantity	Reason Code	Price per Certificate	Pennsylvania	PA State Number
Bath County - 2	Pumped Storage	2006/06	15620 - 1 to 183565	183,565	RPS	\$0.25	Tier II	PA-46001-HPS-II
Bath County - 2	Pumped Storage	2006/07	16863 - 19533 to 78053	58,521	RPS	\$0.25	Tier II	PA-46001-HPS-II
				Total for Duquesne Power Tier II Compliance		242,086		
				Weighted Average \$/REC		\$0.25		
				Total Cost of Compliance		\$60,521.50		
				Duquesne Power Total		357,365		
				Total Cost of Compliance		\$755,820.75		

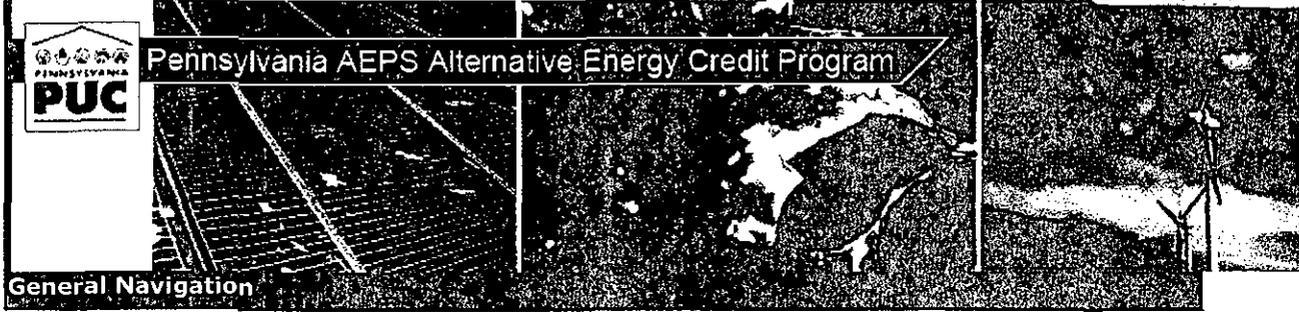
**Petition of Duquesne Light Company to Contest the
Finding of Non-Compliance with the Alternative Energy Portfolio
Standards Act and Modify the Alternative Compliance Payment or,
in the Alternative, Declare a Force Majeure for Duquesne Light Company
for the 2008/2009 Alternative Energy Compliance Period**

Exhibit C

RECEIVED

JAN 19 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**



For questions about the AEPS Program or this web site, contact:
Clean Power Markets, Inc. Program Administrator
Phone: 1-877-AEPS-773
Fax: (610) 444-9213
Email Support



Welcome to the Pennsylvania Alternative Energy Portfolio Standard Program website

The Pennsylvania Alternative Energy Portfolio Standard (AEPS) requires that an annually increasing percentage of electricity sold to retail customers in Pennsylvania is from alternative energy sources. The program requires that retail energy suppliers utilize Alternative Energy Credits (AECs) for demonstrating compliance with the standard. An AEC is created each time a qualified alternative energy facility produces 1000 kWh of electricity. The AEC is then be sold or traded separately from the power. This makes it easy for individuals and businesses to finance and invest in clean, emission free solar power.
This website:

- provides a portal for the application and registration of alternative energy facilities that qualify for the AEPS program
- assists in the management of AECs (Alternative Energy Credits) produced by small customer-owned generators and energy efficiency measures, and
- facilitates the trade of AECs from customer-owned generators and energy efficiency measures through a regional bulletin board.

To be qualified as an alternative energy facility under this program, an application must be submitted. Once your application is approved, you will be able to generate AECs under this program. Please follow the instructions for submitting your application to qualify your facility.

For alternative energy facilities that are interconnected to the PJM or MISO transmission system, your AECs will be deposited directly into your PJM-GATS account once your application has been approved and your facility has been accepted into the program.

For facilities that are not interconnected to the transmission system (customer-owned systems and energy efficiency/demand-side management measures primarily), you can manage your AECs through this website. If you are a customer-owned generator, such as a small solar, wind, or landfill gas facility, this AEPS Program provides a means for AECs to be tracked within the account you create. You will need to create an account and submit an application for your facility in order to receive a certification number. All certificates are created in the PJM-GATS system and traded within that platform, and you will therefore need an account within the PJM-GATS system as well. If you are represented by an aggregator, a PJM-GATS account is not necessary. After an account has been created on this website, there is a bulletin board available for you to advertise AECs that you have been issued, however all transactions will be conducted through the PJM-GATS website. This website will help you facilitate the sale of AECs to electric suppliers who are required to purchase of clean energy AECs under the Pennsylvania AEPS program.

Please note that aggregators need to submit an application for each facility they represent. All facilities will receive an individual certification number.

For questions about the PA AEPS Program or this web site, contact:

Clean Power Markets, Inc.

PA AEPS Program Administrator

Phone: 1-877-AEPS-773 (1-877-237-7773)

Faxed To: (610) 444-9213

On the coversheet please indicate it is to the attention of: **The Pennsylvania AEPS Program Manager**

paaeps@cleanpowermarkets.com

Click Here for instructions for registering your facility.

Should you encounter any problems during your registration, please contact the Program Administrator:

There are several important points regarding the program that we would like to make you aware of.

1. Please be sure to register your system as soon as possible. Certificate creation begins from date of application, not system start date. A reading from your revenue grade meter (if installed), or the total across all inverters, is required at the time of application. If a revenue grade meter is installed at your inverters, the reading must come from it.
 2. All systems registered with the administrator will be subject to possible inspection. A representative from the Program Administrator team will contact the system owner (and/or aggregator) to schedule a time for the inspection. The inspection will verify system output and verify system parameters.
 3. Any system without a PA certification number will not be allowed to accrue credits to be used for the PA AEPS.
 4. If there are any changes to the system including system ownership, the administrator must be contacted. Changes to the system include: System ownership, system size, inverter replacement and system shutdown for any period of time.
 5. If you have a contract with an aggregator, and the contract is scheduled to expire within two months, a notice will go out to the system owner and aggregator, provided the contract has been submitted to the administrator with an expiration date. If a new contract is not submitted by the expiration date, generation data will revert to the system owner for tracking and future crediting purposes. At that time, GATS will be notified and the system will be restricted from accruing certificates until the AEPS program administrator notifies the GATS administrator of the new contract.
 6. If a system owner is in dispute with their aggregator, they can notify the AEPS program administrator. Notification will go out to the aggregator and the system owner that the administrator has been contacted. Should the situation not resolve itself within 30 days, the system generation data will be held in GATS pending resolution.
- Back to Top

[PUC Home](#) | [About PUC](#) | [Meet Commissioners](#) | [PUC Staff Directory](#)
[PUC Press Releases](#) | [PUC Public Meeting Calendar](#) | [Daily Actions & Hearings](#)
[PUC Publications & Reports](#) | [Consumer Education](#) | [Regulatory Information](#)



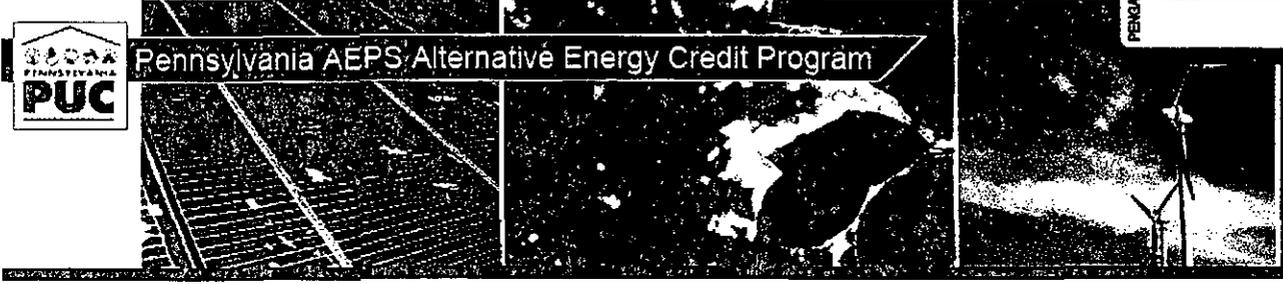
**Petition of Duquesne Light Company to Contest the
Finding of Non-Compliance with the Alternative Energy Portfolio
Standards Act and Modify the Alternative Compliance Payment or,
in the Alternative, Declare a Force Majeure for Duquesne Light Company
for the 2008/2009 Alternative Energy Compliance Period**

Exhibit D

RECEIVED

JAN 19 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**



Qualified Generation Facilities Summary

Abbreviations

Facility Info

594 items found, displaying all items.1

In PA	Alternative Fuel Certification [1]	Plant Name	Fuel Types at Facility	Total Nameplate Capacity [2]
	PA-10001-LFG-I, PA-10002-OBG-I	Edge Moor	Landfill Gas, Coal, Other Biomass Gas	698
	PA-10003-LFG-I	Ameresco Delaware - Central	Landfill Gas	3.2
	PA-10004-LFG-I	Ameresco Delaware - South	Landfill Gas	4.2
	PA-15003-LFG-I	Westchester Landfill	Landfill Gas	3.5
	PA-15004-LFG-I	Des Plaines Landfill	Landfill Gas	3.5
	PA-15005-LFG-I	Beecher	Landfill Gas	2.14
	PA-15006-LFG-I	Avon Energy Partners, LLC	Landfill Gas	3.3
	PA-15007-LFG-I	Brickyard Energy Partners, LLC	Landfill Gas	3.3
	PA-15008-LFG-I	Countyside Genco, LLC	Landfill Gas	8.4
	PA-15009-LFG-I	Devonshire Power Partners	Landfill Gas	5.5
	PA-15010-LFG-I	Dixon/Lee Energy Partners, LLC	Landfill Gas	4.4
	PA-15011-LFG-I	Morris Genco, LLC	Landfill Gas	4.2
	PA-15012-LFG-I	Riverside Resource Recovery System, LLC	Landfill Gas	1.1
	PA-15013-LFG-I	Roxana Resource Recovery, LLC	Landfill Gas	3.3
	PA-15014-LFG-I	Streator Energy Partners, LLC	Landfill Gas	1.1
	PA-15015-LFG-I	Upper Rock Energy Partners, LLC	Landfill Gas	3.3
	PA-15016-LFG-I	Zion Power Station	Landfill Gas	5.456
	PA-15017-LFG-I	Kankakee Gas Recovery	Landfill Gas	1.6
		Greene Valley Gas		

In PA	Alternative Fuel Certification [1]	Plant Name	Fuel Types at Facility	Total Nameplate Capacity [2]
	PA-15018-LFG-I	Recovery	Landfill Gas	9.9
	PA-15019-LFG-I	CID Gas Recovery	Landfill Gas	6
	PA-15020-LFG-I	Lake Gas Recovery	Landfill Gas	9
	PA-15021-LFG-I	Woodland Landfill Gas Recovery	Landfill Gas	1.6
	PA-15022-LFG-I	Settlers Hill Gas Recovery	Landfill Gas	6
	PA-15023-LFG-I	Mallard Lake Electric	Landfill Gas	15
	PA-15024-LFG-I	Rockford Electric	Landfill Gas	2
	PA-15025-LFG-I	South Barrington Electric	Landfill Gas	1.6
	PA-15026-WND-I	Com High Trail 1 Wind	Wind	198
	PA-15027-WND-I	GSG, LLC	Wind	80
	PA-16007-BFG-II	Indiana Harbor Works	Blast Furnace Gas	144.444
	PA-16008-WH-II	Heat Recovery Coke Facility	Waste Heat	94.6
	PA-16009-LFG-I	Jay County Plant	Landfill Gas	3.2
	PA-21006-BLQ-II	Luke Mill Paper	Coal, Black Liquor	65
	PA-21007-BFG-II	Sparrows Point	Blast Furnace Gas	120
	PA-21008-MSW-II	Montgomery County Resource Recovery Facility P	Municipal Solid Waste	78
	PA-23008-WDS-I	Cadillac Renewable Energy	Wood/Wood Waste Solids	44
	PA-32014-LFG-I	Middlesex Generating Facility	Landfill Gas	20
	PA-32015-WND-I	Jersey-Atlantic Wind Farm	Wind	7.5
	PA-32016-FC-I	Starwood Parsippany	Fuel Cell	0.25
	PA-32017-FC-I	Starwood Edison	Fuel Cell	0.25
	PA-32018-OBG-I	Ocean County Utilities Authority - Northern	Other Biomass Gas	0.54
	PA-32019-OBG-I	Ocean County Utilities Authority - Central	Other Biomass Gas	0.99
	PA-32020-LFG-I	Lafayette Energy Partners, LLC	Landfill Gas	1.2
	PA-36006-LFG-I	Energy Developments Model Power Station	Landfill Gas	2.728
	PA-46033-CMG-I	Buchanan County Generating Facility	Natural Gas, Coal Mine Methane/Gas	88
	PA-46035-WAT-II	Holcomb Rock Hydro	Conventional Hydro	5
	PA-46036-LFG-I	I-95 Landfill I	Landfill Gas	3.2
	PA-46037-LFG-I	I-95 Landfill	Landfill Gas	3.2

**Petition of Duquesne Light Company to Contest the
Finding of Non-Compliance with the Alternative Energy Portfolio
Standards Act and Modify the Alternative Compliance Payment or,
in the Alternative, Declare a Force Majeure for Duquesne Light Company
for the 2008/2009 Alternative Energy Compliance Period**

Exhibit E

CONFIDENTIAL

RECEIVED

JAN 19 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

**Petition of Duquesne Light Company to Contest the
Finding of Non-Compliance with the Alternative Energy Portfolio
Standards Act and Modify the Alternative Compliance Payment or,
in the Alternative, Declare a Force Majeure for Duquesne Light Company
for the 2008/2009 Alternative Energy Compliance Period**

Exhibit F

RECEIVED

JAN 10 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Email notification referenced above - CPM acknowledges our totals meet the PA requirements

From: Deana, Dina [mailto:deana@Cleanpowermarkets.com]
Sent: Friday, October 02, 2009 9:52 AM
To: Jenkins, Joan M.; Jack, Gary
Cc: Williams, Wayne; maa@pjm.com
Subject: Duquesne compliance

Dear Joan and Gary,

I have been reviewing the compliance reports for Duquesne as the EDC and Duquesne's EGSs. I have noticed that the certificates are not in the right accounts. I am attaching the spreadsheet we had emailed you over the summer indicating the individual requirements for the three Duquesne companies. Since an EDC cannot comply for an EGS (or vice versa), we need to make sure that the correct certificates are in the correct accounts to demonstrate compliance. Please work with GATS to move the certificates into the appropriate individual accounts. When this is complete, please let me know so that I can download the corrected reports. I recognize that the totals between the three accounts meet the obligations, but the paperwork needs to reflect the obligation.

In addition, it is very important that the pricing information contained within the My Compliance Report accurately reflects the purchase price for the certificates. We rely on this information to determine weighted average pricing for each Tier.

Thank you for your assistance. If you could please complete this as soon as possible, it would be appreciated.

Best,

Dina M. Deana, LEED AP

Senior Program Manager

Clean Power Markets, Inc.

Phone: (877) 237-7773

deana@cleanpowermarkets.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Wayne L. Williams
Bureau of Conservation, Economics and Energy Planning
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Office of Trial Staff
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

RECEIVED
2010 JAN 19 PM 4:27
PA PUC
SECRETARY'S BUREAU

Date: January 19, 2010



Andrew S. Tubbs