

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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Harrisburg, Pennsylvania 17101-1923  
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IRWINA. POPOWSKY  
Consumer Advocate

March 8, 2010

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

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-2010-2153577

Dear Secretary McNulty:

Enclosed is the Notice of Intervention and Public Statement of the Office of  
Consumer, in the above-referenced proceeding.

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

Respectfully Submitted,

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

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

Enclosures

cc: Administrative Law Judge  
Office of Special Assistants

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company to :  
Contest the Finding of Non-Compliance :  
with the Alternative Energy Portfolio :           Docket No.   P-2010-2153577  
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 :

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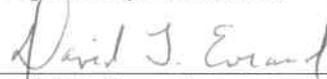
NOTICE OF INTERVENTION

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Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50044  
E-Mail: TMcCloskey@paoca.org  
David T. Evrard  
Assistant Consumer Advocate  
PA Attorney I.D. # 33870  
E-Mail: DEvrard@paoca.org  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Respectfully submitted,



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

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, enacted July 9, 1976, 71 P.S. § 309-1 *et seq.*, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention and participate in proceedings before the Commission involving the Petition filed by Duquesne Light Company (Duquesne).

On January 19, 2010, Duquesne filed a Petition to Contest the Finding of Non-Compliance with the Alternative Energy Portfolio Standards Act (AEPS) 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. In its filing, Duquesne is requesting that the Commission accept the 42,980 of Tier I alternative energy credits (AECs) procured from Cadillac Renewable Energy for the 2008/2009 period, which have been deemed noncompliant by the Commission's alternative energy credit administrator. In the alternative, Duquesne requests that it be permitted to acquire an additional 42,980 AECs for the 2009/2010 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. If a force majeure is declared, Duquesne requests the option to either make an alternative compliance payment and recover such payment from customers or to comply with AEPS through the purchase of 42,980 additional Tier I AECs in the 2009/2010 compliance period. Petition ¶11.

The Consumer Advocate has filed this Notice of Intervention in order to protect the interests of Duquesne's customers and assure that the provisions of the AEPS are followed. The OCA will also seek to ensure that Duquesne's customers are charged only for AECs costs that are consistent with the AEPS Act and the Commission's regulations thereunder.

CERTIFICATE OF SERVICE

Petition of Duquesne Light Company to :  
Contest the Finding of Non-Compliance :  
with the Alternative Energy Portfolio :           Docket No.    P-2010-2153577  
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 :

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

Dated this 8<sup>th</sup> day of March 2010.

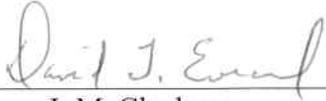
SERVICE BY E-MAIL and INTEROFFICE MAIL

Wayne L. Williams Bureau of Conservation, Economics and Energy Planning Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120	Johnnie E. Simms, Esquire Office of Trial Staff Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120
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SERVICE BY E-MAIL and FIRST CLASS MAIL

Michael W. Gang, Esquire Andrew S. Tubbs, Esquire Christopher T. Wright, Esquire Post & Schell, P.C. 17 North Second Street 12 <sup>th</sup> Floor Harrisburg, PA 17101-1601 Counsel for: <i>Duquesne Light Company</i>	David B. MacGregor, Esquire Post & Schell, P.C. Four Penn Center 1600 John F. Kennedy Boulevard Philadelphia, PA 19103-2808 Counsel for: <i>Duquesne Light Company</i>
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Gary A. Jack, Esquire  
Kelly Geer, Esquire  
Duquesne Light Company  
411 Seventh Avenue, 16-4  
Pittsburgh, PA 15219  
Counsel for: *Duquesne Light Company*



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Counsel for: *Office of Small Business Advocate*