



September 30, 2010

KENNETH L. MICKENS, ESQUIRE LLC  
LEGAL CONSULTING

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

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**Re: Filing of PPL Electric Utilities Corporation's  
Supplement No. 94 to Tariff Electric - Pa. P.U.C.  
No. 201 - Time-of-Use Rates  
Docket No. R-2010-2201138**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are an original and three (3) copies of the Petition to Intervene of the Sustainable Energy Fund of Central Eastern Pennsylvania ("SEF") in the above-captioned proceeding. I have also enclosed the Affidavit of Jennifer Hopkins, the President of SEF. Please contact me if you have any questions.

Sincerely,

Kenneth L. Mickens, Esquire  
Attorney for the Sustainable  
Energy Fund of Central Eastern  
Pennsylvania

KLM/bls  
Certificate of Service  
Enclosures

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PA PUC  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Filing of PPL Electric Utilities** :  
**Corporation for Approval of** : **Docket No. R-2010- 2201138**  
**Time-Of-Use Rates** :

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**PETITION TO INTERVENE OF  
THE SUSTAINABLE ENERGY FUND OF  
CENTRAL EASTERN PENNSYLVANIA**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

The Sustainable Energy Fund of Central Eastern Pennsylvania (“SEF”), by and through its attorney, Kenneth L. Mickens, hereby files this Petition to Intervene in the above-captioned proceeding pursuant to 52 Pa. Code § 5.71, *et. seq.* In support of its intervention, SEF avers as follows:

**I. BACKGROUND**

1. On September 23, 2010, PPL Electric Utilities Corporation (“PPL Electric” or “Company”) filed with the Pennsylvania Public Utility Commission (“Commission”) Supplement No. 94 to PPL Electric’s Tariff-Electric Pa. P.U.C. No. 201 (“Supplement No. 94”), to become effective for

service rendered on and after January 1, 2011. In Supplement No. 94, PPL Electric proposes to continue an optional default service time-of-use (“TOU”) program for residential and small commercial and industrial customer classes. The TOU program was approved (with conditions) for 2010 only by Commission Order at Docket No. R-2009-2122718 (entered March 9, 2010) (“TOU Approval Order”).

2. In the PPL Electric Statement of Reasons, the Company states that the “objective of the TOU program is to provide pricing that encourages customers to shift electricity usage from on-peak periods, when wholesale electricity demands and prices are higher, to off-peak periods, when demands and prices are lower.”<sup>1</sup>

3. SEF is a Pennsylvania corporation established at the conclusion of PPL Electric’s Restructuring Proceeding and pursuant to the terms of the Joint Settlement of that proceeding, approved by the Commission’s August 27, 1998 Order at Docket No. R-00973954. SEF’s mission is to promote and invest in energy efficiency, renewable energy, energy education and energy conservation in order to provide opportunities and benefits to PPL Electric ratepayers.

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<sup>1</sup> PPL Electric Statement of Reasons, p. 1.

4. SEF's address is as follows:

Sustainable Energy Fund  
1005 Brookside Road  
Allentown, PA 18106

5. The name, address and telephone number of SEF's attorney are:

Kenneth L. Mickens, Esquire  
PA Attorney I.D. #31255  
316 Yorkshire Drive  
Harrisburg, PA 17111  
[kmickens11@verizon.net](mailto:kmickens11@verizon.net)  
717-343-3338 (telephone)  
717-657-0938 (FAX)

## **II. SEF's INTEREST IN THE PROCEEDING**

6. As discussed above, SEF's mission is to promote and invest in energy efficiency, renewable energy, energy education and energy conservation in an effort to provide opportunities and benefits for PPL Electric customers. In furtherance of its mission, SEF is engaged in projects that emphasize renewable sources such as solar and wind power development, clean energy technologies, energy conservation and efficiency, as well as energy education. In an effort to advance its mission, SEF is registered as a Conservation Services Provider ("CSP").

7. SEF's mission, in large part, is focused on reductions in consumption and demand for electricity within the PPL Electric service territory, and for purposes of this proceeding, that mission coincides with the

stated objectives of PPL Electric's TOU program.

8. In addition, SEF was an intervening party in the TOU Approval Order proceeding which approved PPL Electric's TOU program for 2010 only. In the TOU Approval Order, the Commission directed PPL Electric to provide certain data in connection with its request for approval of its 2011 TOU program. Specifically, the Commission directed PPL Electric at p. 40 of the TOU Approval Order to provide: "(2) the total reduction in peak demand by rate schedule<sup>2</sup>; (3) the kW shifted from on-peak to off-peak for participating customers, by customer class; [and,] (4) the reduction in energy usage, if any."<sup>3</sup> However, a review of the Statement of Reasons and the proposed TOU tariff indicates that this data has not been included for varying reasons.<sup>4</sup> In this regard, SEF has expertise that may be helpful in identifying TOU program procedures that would yield tangible energy savings for TOU participants.

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<sup>2</sup> However, PPL Electric has failed to provide the total peak reduction by rate schedule since PJM data is not available. PPL Electric Attachment 4, Item 4. However, since only 297 customers from RS, RTS and GS-1 rate schedules participated in the TOU program, it is doubtful that any changes by these customers would significantly impact the data from 1.4 million total customers.

<sup>3</sup> In regard to whether the TOU program participants saved energy, PPL Electric states "the Company does not believe that this data can be used to discern whether participants reduced their overall energy consumption or not." PPL Electric Attachment 4, Item 4.

<sup>4</sup> PPL Electric Statement of Reasons, pp. 6-11. Consequently, substantial questions remain as to the cost effectiveness of the TOU program.

9. SEF also believes that the Company is experiencing difficulty identifying the appropriate pricing differential from on-peak to off-peak<sup>5</sup> because it's pricing is based upon the flat rate it pays for its default supply.<sup>6</sup> Instead, SEF asserts that the Company should explore giving TOU participants real-time pricing or Time –of-Use pricing based on actual market pricing. For example, under POLR II, PPL Electric is procuring hourly spot purchases for large C & I customers. A portion of this procurement could be used to serve residential TOU customers, thereby providing either true hourly rates or a Time- of -Use rates based on true hourly rates. Pricing issues may also account for the fact that shopping is apparently a more attractive option for customers than the TOU program. SEF's intervention in this proceeding will ensures that this issue is effectively addressed.

10. Moreover, SEF has experience and expertise in matters of energy efficiency, energy conservation and consumer education such that its participation in this proceeding would benefit the record.

11. SEF intends to actively participate in this proceeding.

WHEREFORE, for the reasons discussed above, the Sustainable Energy Fund of Central Eastern Pennsylvania requests that the Pennsylvania

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<sup>5</sup> PPL Electric Statement of Reasons, pp. 10-11.

Public Utility Commission grant its Petition to Intervene in the above-captioned proceeding and grant it full party status therein.

Respectfully submitted,



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Attorney for the Sustainable  
Energy Fund of Central  
Eastern Pennsylvania

DATED: September 30, 2010

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<sup>6</sup> PPL Electric designed its TOU program for 2010 based upon the flat rate it agreed to pay for default supply under its Competitive Bridge Plan. PPL Electric Statement of Reasons, p. 2.

**AFFIDAVIT**

I, Jennifer Hopkins, certify that I am the President of the Sustainable Energy Fund of Central Eastern Pennsylvania and that, in said capacity, I am authorized to and do make this Affidavit for them, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and that I expect the Sustainable Energy Fund of Central Eastern Pennsylvania to be able to prove the same at any hearing hereof. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

  
\_\_\_\_\_  
Jennifer Hopkins, President

DATED: September 30, 2010

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Sustainable Energy Fund Petition to Intervene 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).

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