

PENNSYLVANIA UTILITY LAW PROJECT

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November 10, 2010

Via E-Filing

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PPL Electric Utilities Corporation for Approval of its Energy Efficiency and Conservation Plan

Docket No. M-2009-2093216

Dear Secretary Chiavetta:

Please accept for filing in the above captioned proceeding an Amended Petition to Intervene and Prehearing Memorandum on behalf of Pennsylvania Communities Organizing for Change d/b/a Action United, Inc. ("PCOC"). All parties to this proceeding received notice of these filings via electronic mail.

Thank you for your assistance, and please feel free to contact me directly should you have any questions.

Very truly yours,



Harry S. Geller, Esq.

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities :
Corporation for Approval of its Energy : Docket No. M-2009-2093216
Efficiency and Conservation Plan :**

CERTIFICATE OF SERVICE

I hereby certify that I have today served a true copy of the foregoing documents upon the parties of record in this proceeding listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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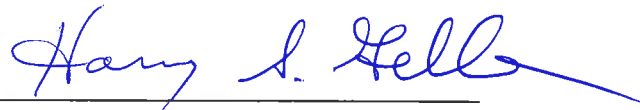
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Dated: November 10, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities	:	
Corporation for Approval of its Energy	:	Docket No. M-2009-2093216
Efficiency and Conservation Plan	:	

**AMENDED PETITION TO INTERVENE OF PENNSYLVANIA
COMMUNITIES ORGANIZING FOR CHANGE d/b/a
ACTION UNITED, INC.**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Pennsylvania Communities Organizing for Change d/b/a Action United, Inc. (“PCOC”), through counsel, the Pennsylvania Utility Law Project, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code Sections 5.71-5.74, and states as follows:

2. On July 1, 2009, in accordance with the requirements of Act 129 and a Commission Implementation Order, entered January 16, 2009, PPL Electric Utilities (“the Company”) filed its Act 129 EE&C Plan with the Commission at Docket No. M-2009-2093216. The Energy Efficiency & Conservation (“EE&C”) Plan addressed how the Company plans to meet consumption reduction requirements of Act 129.

3. Act 129 identifies low-income customers as a specific group of customers designated to receive specific energy saving levels in the EE&C Plans.

The Plan shall include specific energy efficiency measures for households at or below 150% of the federal poverty income guidelines. The number of measures shall be proportionate to those households' share of the total energy usage in the service territory.¹

4. The Commission, in its Implementation Order, noted:

There are clear requirements in the Act regarding proportionate measures for low-income customers (within a residential customer class) as well as for governments, schools, etc. (within a commercial customer class). Beyond those requirements, we believe that EDCs should develop plans to achieve the most energy savings per expenditure.²

5. In an Order entered October 26, 2009, the Commission approved, with modifications, the Company's EE&C Plan, which included programs designed to provide specific energy efficiency and conservation services to low-income households and which included requirements for an ongoing stakeholder process of input into the EE&C Plan's implementation and ongoing adaptation.³

6. On October 15, 2010, ACORN, the only intervener specifically representing the interests of low-income households, petitioned to withdraw from the proceeding and

¹ 66 Pa. C.S. §§ 2806.1(b)(1)(I)(G).

² *Energy Efficiency and Conservation Program Implementation Order*, Docket No. M-2008-2069887, (Order entered January 15, 2009), at 22.

³ *Petition of PPL Electric Utilities Corporation for Approval of its Energy Efficiency and Conservation Plan*, Docket No. M-2009-2093216 (Opinion and Order entered Oct. 26, 2009).

the stakeholder process, leaving low-income households without an active intervener to exclusively represent low-income issues in the proceeding.⁴

7. On October 18, 2010, Pennsylvania Communities Organizing for Change filed a Petition to Intervene.
8. On November 4, 2010, PPL filed an Answer conditionally objecting to PCOC's Petition.
9. The Petitioner, PCOC, is a not-for-profit membership-based advocacy organization incorporated in Pennsylvania. Its application for 501(c)(4) status is pending. PCOC's mission is to advocate on behalf of low and lower income persons on numerous consumer issues, including access to and affordability of utility service.
10. PCOC is a statewide organization. Many PCOC members reside within PPL's service territory and are customers of the company⁵; they rely on the company for their electricity, including heating and cooling needs, and will be affected by the issues presented in this ongoing proceeding. In particular, they are potentially eligible to participate in and receive the benefits of PPL's EE&C Plan; also, they will share the costs of the EE&C Plan on ratepayers. They therefore have a direct, immediate, substantial, and distinct interest in this proceeding.

⁴ On April 1, 2010, ACORN dissolved its status as a corporate entity and ceased to exist as an organization.

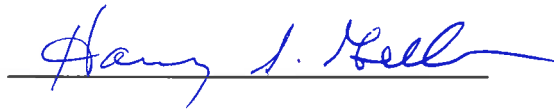
⁵ PCOC members who are PPL customers include: Shirley A. Edmonds 1315 N. 14th St, Harrisburg, PA 17103; John Hairston 3223 N. 6th St, Harrisburg, PA 17110; Brenda H. Fisher 341 Emerald St, Harrisburg, PA 17110; and Helena M. Johnson 116 N. Summit St, Harrisburg, PA 17103. These PCOC members have permitted their identification in this proceeding and are representative of a larger segment of PCOC members who are PPL customers and will be affected by this proceeding.

11. PCOC seeks to intervene to ensure that its interests and those of its members are protected and advanced in this proceeding. Given the withdrawal of ACORN, those interests are not adequately represented by other participants in this proceeding. PCOC advocates on behalf of low and lower income customers. No other intervenor or statutory party to this proceeding is exclusively advocating on behalf of low or lower income PPL consumers. ACORN's withdrawal constitutes extraordinary circumstances sufficient to justify the Commission's granting of this Amended Petition to Intervene.
12. PCOC intends to address, among other issues, the ongoing impact of Act 129 EE&C Plan activities on low-income households and whether the measures employed by the PPL Plan comport with and satisfy Act 129 requirements.
13. The Petitioners are represented by the Pennsylvania Utility Law Project. Attorneys for receiving service of all documents in this proceeding are:

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WHEREFORE, PCOC respectfully requests that the Pennsylvania Public Utility Commission grant this Amended Petition to Intervene and make such other order as is just and appropriate.

Respectfully submitted,



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November 10, 2010

**BEFORE THE
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VERIFICATION

I, Craig Robbins, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date:

1/9/2012

Signature:



Craig Robbins
Executive Director
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