



LAW OFFICES OF  
BENJAMIN L. WILLEY, LLC

June 9, 2010

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**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Re: Petition of Metropolitan Edison Company and Pennsylvania Electric  
Company for Approval of Their Default Service Programs  
Docket Nos. P-2009-2093053 and P-2009-2093054

Retail Energy Supply Association v Metropolitan Edison Company and  
Pennsylvania Electric Company  
Docket Nos. C-2010-\_\_\_\_\_ and C-2010-\_\_\_\_\_

Dear Secretary Chiavetta:

Enclosed for filing in the proceedings captioned above are an original and three copies of the York County Solid Waste and Refuse Authority's *Petition to Intervene* and an original and three copies of a *Motion for Admission Pro Hac Vice*. The enclosed pleadings have been served in accordance with the Certificate of Service attached to each of them.

One additional copy each pleading is enclosed. Please date stamp the extra copy each pleading and return it to the courier for return to this office.

If you have any questions about this filing, please call me at your convenience at 301-941-1972.

Sincerely,

Benjamin L. Willey

Encls:

Copy to:

David Vollero, Executive Director, YCSWA

Robert M. Strickler, Esq. 1212 WISCONSIN AVENUE, SUITE 300, BETHESDA, MD 20814

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Petition of Metropolitan Edison Company and Pennsylvania Electric Company for Approval of their Default Service Program	:	:	Docket Nos. P-2009-2093053 and P-2009-2093054
Retail Energy Supply Association v. Metropolitan Edison Company and Pennsylvania Electric Company	:	:	Docket Nos. C-2010-_____ and C-2010-_____

**PETITION TO INTERVENE  
OF THE  
YORK COUNTY SOLID WASTE AND REFUSE AUTHORITY**

Pursuant to Rules 5.71-5.75 of the Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission, 52 Pa. Code §§ 5.71-5.75, the York County Solid Waste and Refuse Authority (“YCSWA”), by counsel, respectfully submits this Petition to Intervene in the matter captioned above.

Pursuant to PUC Rule 1.24(b)(1), the undersigned counsel of record, Robert M. Strickler, requests that this first responsive pleading be treated as an entry of appearance by the aforesaid Robert M. Strickler.

In support of its Petition to Intervene, the YCSWA states as follows.

**I. BACKGROUND INFORMATION**

**A. THE YCSWA**

1. The YCSWA was organized in 1971 as a public corporation under the Pennsylvania Municipality Authorities Act of 1945<sup>1</sup> as part of a comprehensive solid waste management plan by York County in response to the Pennsylvania Solid Waste Management

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<sup>1</sup> 53 P.S. § 301, *et. seq.*, as amended.

Act.<sup>2</sup> The YCSWA developed and owns the York County Resource Recovery Center (“YCRRC”), which uses municipal solid waste (“MSW”), a recognized renewable fuel, to generate electric energy. The YCRRC was qualified under the Public Utility Regulatory Policies Act of 1978<sup>3</sup> on November 3, 1986,<sup>4</sup> as a qualifying small power production facility (“QF”).

2. The electric energy output of the YCSWA’s QF, a non-utility generator (“NUG,”) is sold to Metropolitan Edison Company, (“MetEd”) pursuant to a Power Purchase Agreement (“PPA”) between the YCSWA and MetEd, dated November 25, 1986, as amended on April 2, 1993, and June 22, 1994. Unless otherwise extended, the PPA will terminate on December 31, 2016.

## **B. PROCEDURAL HISTORY**

3. On March 31, 2010, MetEd and Pennsylvania Electric Company (“PenElec”)<sup>5</sup> filed with the Commission revised electric generation supplier coordination tariffs (“Supplier Tariffs”) with an effective date of January 1, 2011.

4. The Supplier Tariffs were filed in compliance with the Joint Petition for Settlement (“Settlement”) in the Companies’ Default Service Program proceedings (“DSP

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<sup>2</sup> 35 P.S. § 6018.101, *et. seq.*, as amended

<sup>3</sup> 16 U.S.C. §824a–3 (2000). See also REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION, 18 C.F.R. Part 292 (2004).

<sup>4</sup> *York County Solid Waste and Refuse Authority*, 37 FERC ¶ 62,100 (1986). On October 11, 1991, the Federal Energy Regulatory Commission granted a request by the YCSWA for recertification to reflect an increase of the QF’s net electric power production capacity to 37 MW. *York County Solid Waste and Refuse Authority*, 57 FERC ¶ 62,023 (1991).

<sup>5</sup> MetEd and PenElec are from time-to-time referred to collectively herein as the “Companies.”

Proceedings”).<sup>6</sup> The YCSWA was an active participant in the DSP Proceedings and a signatory to the Settlement in those proceedings.

5. On May 21, 2010, the Retail Energy Supply Association (“RESA”) filed a Complaint alleging that the Companies’ Supplier Tariffs are not proper compliance filings because the Supplier Tariffs include certain provisions and modifications that exceed the scope of matters litigated in the DSP Proceedings or included in the Settlement in those proceedings.

## II. SERVICE ON THE YCSWA

6. The YCSWA requests that all communications, discovery, pleadings, and briefs in these consolidated proceedings be served on the YCSWA through counsel, Benjamin L. Willey, as follows:

Benjamin L. Willey  
Law Offices of Benjamin L. Willey, LLC  
7272 Wisconsin Avenue  
Suite 300  
Bethesda, MD 20814  
Telephone: 301-941-1972  
Telefax: 240-235-7775  
Email: blw@bwilleylaw.com

7. The YCSWA also requests that parties provide a courtesy copy (via electronic mail only) of all communications, pleadings, discovery, and briefs in these consolidated proceedings to the following persons at the electronic mail addresses stated:

David Vollero  
Executive Director, York County Solid Waste and Refuse Authority  
Email: d.vollero@ycswa.com

---

<sup>6</sup> *Petition of Metropolitan Edison Company and Pennsylvania Electric Company for Approval of their Default Service Program* (PA PUC, Docket Nos. P-2009-2093053 and P-2009-2093054).

Robert M. Strickler  
Griffith, Strickler, Lerman, Solymos & Calkins  
Counsel for the York County Solid Waste and Refuse Authority  
Email: rstrickler@gslsc.com

**III. THE YCSWA'S INTERESTS**

8. In accordance with PUC Rules 5.72(a)(2) and 5.73, the YCSWA states and avers that as an active participant in the Companies' DSP Proceedings and a signatory to the Settlement of those proceedings, and as a NUG selling electric energy to MetEd under a PURPA-based PPA, the terms and conditions of which will expire in 2016, the YCSWA will be bound by any Commission order in these proceedings and has a direct and compelling interest in the outcome of these proceedings which cannot be adequately represented by any other party.

**IV. THE YCSWA'S POSITION**

9. The YCSWA believes that RESA's Complaint raises concerns about the Supplier Tariffs filed by the Companies and about the Settlement to which the YCSWA is a signatory party in the Companies' DSP Proceedings. The YCSWA's interests are unique to its operational and contractual situation in relation to MetEd, in particular, in relation to the Companies, in general, as well as in relation to any one of several other parties who were signatories to the Settlement of the DSP Proceedings and whose positions, as these proceedings progress, could adversely impact the YCSWA's interests.


**V. CONCLUSION**

10. The YCSWA respectfully files this Petition to Intervene based on its existing interests that are at stake in this proceeding and cannot be adequately represented by any other

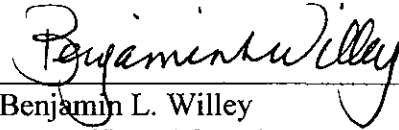
party. Accordingly, for the reasons stated herein, the YCSWA respectfully prays that this  
Petition to Intervene be granted.

Date: June 9, 2010

Respectfully submitted,



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Counsel of Record



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Counsel *pro hac vice*  
(Motion for Admission *pro hac vice*  
Pending)

**COUNSEL FOR THE  
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2700 BLACKBRIDGE ROAD  
YORK, PA 17406  
TELEPHONE: 717-845-1066**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Default Service Program	:	
	:	
Retail Energy Supply Association	:	
v.	:	Docket Nos. C-2010-_____ and
Metropolitan Edison Company and	:	C-2010-_____
Pennsylvania Electric Company	:	

**THE YORK COUNTY SOLID WASTE AND REFUSE AUTHORITY'S  
MOTION FOR ADMISSION *PRO HAC VICE***

Pursuant to Rule 5.103 of the Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission (the "Commission"), and Rule 301(b) of the Pennsylvania Bar Admission Rules, Counsel of Record for the York County Solid Waste and Refuse Authority ("YCSWA"), Robert M. Strickler, Esquire, of the law firm of Griffith, Strickler, Lerman, Solymos & Calkins, respectfully moves the Presiding Administrative Law Judge for entry of an Order granting admission *pro hac vice* to Benjamin L. Willey, Esquire, as counsel for the YCSWA for all purposes in relation to these proceedings.

In support of this Motion, the Movant, Robert M. Strickler, avers as follows:

1. Pursuant to PUC Rule 1.24(b)(1), the Movant has entered his appearance as counsel of record for the YCSWA in this proceeding, is an active member of the Bar of the Commonwealth of Pennsylvania (Attorney Registration No. 07496), and is a Member of the law firm of Griffith, Strickler, Lerman, Solymos & Calkins, with its principal office in York, Pennsylvania.
2. Benjamin L. Willey, Esquire, is a Member of the Law Offices of Benjamin L. Willey, LLC, which maintains its principal office at 7272 Wisconsin Avenue, Suite 300, Bethesda, Maryland, 20814.

3. Mr. Willey is a 1976 graduate of the University of Maryland School of Law. He has been a member in good standing of the Bar of the State of Maryland since 1976 and of the Bar of the District of Columbia since 1999.

4. Benjamin L. Willey has experience and particular expertise in various aspects of regulatory and energy law, has appeared in numerous proceedings before the Federal Energy Regulatory Commission, state and federal courts, and state and federal administrative bodies, including the Pennsylvania Public Utility Commission, the Commonwealth Court of Pennsylvania, and the Supreme Court of Pennsylvania.

5. Wherefore, Robert M. Strickler, Movant and Counsel of Record for the YCSWA, respectfully moves for admission of Benjamin L. Willey, *pro hac vice*, on behalf of the YCSWA for all permissible purposes in relation to these proceedings.

Date: June 9, 2010



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Metropolitan Edison Company and : C-2010-\_\_\_\_\_  
Pennsylvania Electric Company :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion for Admission *Pro Hac Vice* on the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Date: June 9, 2010

**Service by Hand Delivery, Addressed as Follows:**

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
2<sup>nd</sup> Floor  
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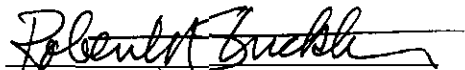
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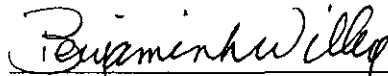
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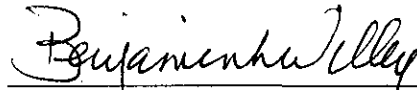
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Counsel *pro hac vice*

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