

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE

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November 29, 2010

HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: UGI Utilities, Inc. – Electric Division
Energy Efficiency and Conservation Plan
Docket No. M-2010-2210316**

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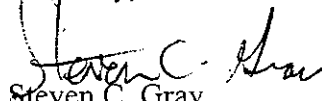
Dear Secretary Chiavetta:

I am delivering for filing today the original plus three copies of the Notice of Intervention, Answer, Verification, Public Statement, and Notice of Appearance on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Parties of Record

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

UGI Utilities, Inc. - Electric Division :
Energy Efficiency and Conservation Plan : Docket No. M-2010-2210316

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ANSWER OF THE
OFFICE OF SMALL BUSINESS ADVOCATE

Pursuant to 52 Pa. Code § 5.61(a), the Office of Small Business Advocate (“OSBA”) submits this Answer to the Petition of UGI Utilities, Inc. – Electric Division (“UGI” or the “Company”) for Approval of its Energy Efficiency and Conservation Plan (“Petition”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on November 9, 2010.

Responses to the *Petition's* Numbered Paragraphs

Introduction

1. The OSBA has no knowledge of the averments set forth in Paragraph 1, but accepts the averments set forth in Paragraph 1 as true and correct for purposes of this Answer.
2. The OSBA has no knowledge of the averments set forth in Paragraph 2, but accepts the averments set forth in Paragraph 2 as true and correct for purposes of this Answer.
3. The averments of Paragraph 3 are conclusions of law to which no response is required.
4. Denied. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments set forth in Paragraph 4. Therefore, those averments are denied and strict proof thereof is demanded.

5. The averments of Paragraph 5 are conclusions of law to which no response is required. By way of further response, Act 129 of 2008 and the Commission's Secretarial Letter of December 23, 2009, speak for themselves.

6. The averments of Paragraph 6 are requests for relief to which no response is required.

Applicable Standards

7. The averments of Paragraph 7 are conclusions of law to which no response is required. By way of further response, the Commission's Secretarial Letter of December 23, 2009, speaks for itself.

8. The averments of Paragraph 8 are conclusions of law to which no response is required. By way of further response, the Commission's Secretarial Letter of December 23, 2009; the "Technical Reference Manual"; and Act 129 all speak for themselves.

9. The averments of Paragraph 9 are conclusions of law to which no response is required. By way of further response, the Commission's Secretarial Letter of December 23, 2009, speaks for itself.

Overview of UGI Electric's Plan

10. The averments of Paragraph 10 are requests for relief to which no response is required.

11. The averments of Paragraph 11 are requests for relief to which no response is required.

12. The averments of Paragraph 12 are requests for relief to which no response is required.

13. The averments of Paragraph 13 are requests for relief to which no response is required. By way of further response, the Petition is silent in regards to the effect that the Company's proposals will have upon UGI's default service procurements.

14. The averments of Paragraph 14 are requests for relief to which no response is required. By way of further response, Section 2806.1(k)(1) of the Public Utility Code, 66 Pa. C.S. § 2806.1(k)(1), provides for an electric distribution company's ("EDC's") full recovery of the costs of its conservation plan, provided that those costs are "reasonable and prudent." Section 2806.1(k)(2) and (3) of the Public Utility Code, 66 Pa. C.S. §§ 2806.1(k)(2) and (k)(3), prohibit revenue decoupling but allow an EDC to reflect any anticipated conservation-related sales decline in the forecast used to calculate the revenue requirement in its next distribution base rate case. Thus, UGI's proposed Conservation Development Rider ("CD Rider") is an unlawful revenue decoupling mechanism, regardless of the fact that the Company has submitted its Petition on a voluntary basis.

Plan Development Process

15. Denied. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments set forth in Paragraph 15. Therefore, those averments are denied and strict proof thereof is demanded.

16. Denied, except for those averments of Paragraph 16 which are conclusions of law to which no response is required. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments set forth in Paragraph 16. Therefore, those averments are denied and strict proof thereof is demanded. By way of further response, the Commission's Secretarial Letter of December 23, 2009, and Act 129 speak for themselves.

17. Denied. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments set forth in Paragraph 17. Therefore, those averments are denied and strict proof thereof is demanded.

Description of the Plan

18. The averments of Paragraph 18 are requests for relief to which no response is required. By way of further response, the Petition proposes the use of “fuel switching,” suggesting that the conservation of electricity could be promoted through the substitution of natural gas, whenever such substitution would be cost-effective. However, special scrutiny of the fuel-switching proposal is required because UGI would presumably be replacing electricity acquired and delivered by its Electric Division with gas acquired and delivered by its own Gas Division.

19. The averments of Paragraph 19 are requests for relief to which no response is required.

20. The averments of Paragraph 20 are requests for relief to which no response is required.

21. The averments of Paragraph 21 are requests for relief to which no response is required.

22. The averments of Paragraph 22 are requests for relief to which no response is required. By way of further response, the Commission’s Secretarial Letter of December 23, 2009, speaks for itself.

23. The averments of Paragraph 23 are requests for relief to which no response is required.

24. The averments of Paragraph 24 are requests for relief to which no response is required. By way of further response, as set forth above in Paragraph 14, UGI's proposed CD Rider is an unlawful revenue decoupling mechanism, regardless of the fact that the Company has submitted its Petition on a voluntary basis.

Implementation Strategy

25. The averments of Paragraph 25 are requests for relief to which no response is required.

Public Interest Determination and Request for Relief

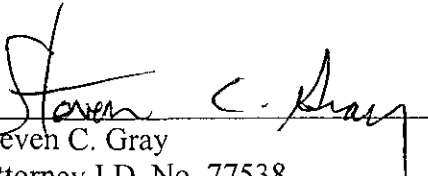
26. The averments of Paragraph 26 are requests for relief to which no response is required. By way of further response, the Commission's Secretarial Letter of December 23, 2009, and Act 129 speak for themselves. By way of further response, as set forth above in Paragraph 14, UGI's proposed CD Rider is an unlawful revenue decoupling mechanism, regardless of the fact that the Company has submitted its Petition on a voluntary basis. If, as the Company avers in Paragraph 26, it is true that UGI would not have filed this voluntary plan without the CD Rider, the OSBA recommends that the Commission summarily deny the Petition, thereby avoiding the cost of litigating a revenue decoupling mechanism that is unlawful.

Conclusion

In view of the foregoing, the Office of Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Deny UGI's Petition in its entirety, or, in the alternative,
- B. Direct the Office of Administrative Law Judge to hold hearings on the Petition and prepare an initial decision; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,


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For:

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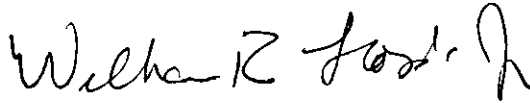
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Dated: November 29, 2010

VERIFICATION

I, William R. Lloyd, Jr., hereby state that the facts set forth herein above 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: November 29, 2010



(Signature)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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UGI Utilities, Inc. - Electric Division :
Energy Efficiency and Conservation Plan : **Docket No. M-2010-2210316**

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 ("Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission ("Commission") or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of an Answer and a Notice of Intervention in the above-captioned proceeding.

Governor Edward Rendell signed Act 129 of 2008 ("Act 129") into law on October 15, 2008. Act 129 requires that by July 1, 2009, each electric distribution company ("EDC") with at least 100,000 customers must develop and file an Energy Efficiency & Conservation Plan ("EE&C Plan") with the Commission for approval. Moreover, Act 129 requires that each plan include a variety of EE&C measures and that all approved EE&C measures be financed by the customer class that receives the direct energy and conservation benefit of such measures.

UGI Electric is an EDC with fewer than 100,000 customers, and is making this EE&C Plan filing on a voluntary basis. The rates of small business customers will be affected by UGI

Electric's EE&C Plan. Therefore, the Small Business Advocate has filed an Answer and a Notice of Intervention in this proceeding regarding UGI Electric's proposed EE&C plan in order to protect the interests of small business customers.

Dated: November 29, 2010

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

UGI Utilities, Inc. - Electric Division :
Energy Efficiency and Conservation Plan : Docket No. M-2010-2210316

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Notice of Intervention, Answer, Verification, Public Statement, and Notice of Appearance on behalf of the Office of Small Business Advocate, by e-mail and first-class mail (unless otherwise noted) upon the persons addressed below:

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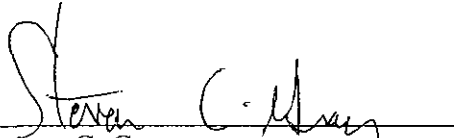
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Date: November 29, 2010



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