



October 27, 2011

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

**Re: Filing of PPL Electric Utilities Corporation's
Supplement No. 110 to Tariff Electric - Pa. P.U.C.
No. 201 - Time-of-Use Rates
Docket No. R-2011-2264771 - Petition to Intervene
Of the Sustainable Energy Fund of Central Eastern
Pennsylvania**

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

SECRETARY'S BUREAU
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :
Corporation for Approval of Time- : **Docket No. M-2011-2264771**
Of-Use Rates :

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

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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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 26, 2011, PPL Electric Utilities Corporation (“PPL Electric” or “Company”) filed with the Pennsylvania Public Utility Commission (“Commission”) Supplement No. 110 to Tariff Electric – Pa. P.U.C. No. 201 – Time-of-Use Rates. In this filing, PPL Electric proposes to implement a new Time-of-Use (“TOU”) program for its residential and small commercial and industrial customer classes to become effective for

service beginning with the participating customer's first bill cycle commencing after March 1, 2012.

2. In its Statement of Reasons for the filing, PPL Electric states that “[g]iven the high TOU rates and price differential between the fixed price default service rates and the TOU rates, the Company requested that the [Commission] suspend the [current] TOU rates for the investigation, and also proposed the submission of a revised TOU program within 30 days to address the TOU pricing issues. By Order entered August 25, 2011, the Commission suspended the Company’s TOU rates contained in the August 22, 2011 filing and ordered the Company to maintain its current TOU rates for up to a six-month period. The Commission also directed PPL Electric to submit a plan proposing a revision to the pricing of its TOU rates in an effort to avoid or minimize TOU pricing issues in the future.”¹ Pursuant to the Commission’s August 25, 2011 Order, PPL Electric has submitted the instant proposal to implement a new TOU program to become effective March 1, 2012.

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

¹ PPL Electric Statement of Reasons, p. 2.

27, 1998 Order at Docket No. R-00973954. SEF's mission is to promote and invest in energy efficiency, energy conservation, renewable energy and energy education in order to provide opportunities and benefits for electric ratepayers.

4. SEF's address is as follows:

The Sustainable Energy Fund of Central Eastern Pennsylvania
1005 Brookside Road, Ste 210
Allentown, PA 18106

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

Kenneth L. Mickens, Esq.
PA Attorney I.D. #31255
316 Yorkshire Drive
Harrisburg, PA 17111
kmickens11@verizon.net (e-mail)
(717) 343-3338 (Telephone)
(717) 657-0938 (FAX)

II. THE ISSUES PRESENTED IN THIS FILING

6. Time of use pricing is designed to reflect time-based market fluctuations in electric generation rates. Evidence demonstrates that by passing market-based pricing signals through to end users, the economic difference between on-peak and off-peak periods reduces the variance in demand on electric grid resources and leads to more economically efficient resource utilization. However, certain of the proposals in PPL Electric's Supplement appear to threaten to change the originally identified intent of

TOU rates in a way that would negatively impact ratepayers. Initially, SEF believes that the following issues are presented:

- (a) PPL Electric has proposed to base its TOU rate not on *market* rates but upon multipliers based on the standard default service rate;
- (b) The Company has proposed a long commercial peak period of from 7:00 am to 7:00 pm;
- (c) The Company's current TOU program has an under collection of more than \$2.4 million, which it has proposed to collect from *all* customers through a non-bypassable Section 1307 mechanism. Such a result would allow for the subsidization of default customers by shopping customers;
- (d) PPL Electric proposes a net metering credit, not based upon on-peak or off-peak rates, but the price to compare. In fact, net metering customers should be credited at the rate in effect at the time of generation.
- (e) PPL Electric has failed to provide certain TOU operational data that the Commission Ordered it to provide in the original TOU proceeding.

III. SEF's INTEREST IN THE PROCEEDING

7. SEF's mission, as mentioned above, is to promote and invest in energy efficiency, energy conservation, renewable energy and energy education that provide opportunities and benefits for electric customers. In

furtherance of its mission, SEF is engaged in projects that emphasize renewable energy sources, such as solar and wind power development, clean energy technologies, energy conservation and efficiency, as well as energy education. In this regard, SEF has been certified as a Conservation Services Provider.

8. SEF's mission includes a focus upon reductions in consumption and demand for the non-renewable, non-sustainable production of electricity and the most efficient use of energy within the PPL Electric service territory. As such, this mission coincides with the Company's stated efforts in this proceeding to shift energy usage on PPL Electric's system to off-peak time periods where feasible.

9. Accordingly, SEF's intervention is necessary to ensure the development of a complete record on the reasonableness of the proposed TOU program. SEF has a unique perspective - in keeping with its mission to promote and invest in energy efficiency, energy conservation, renewable energy and energy education that provide opportunities and benefits for ratepayers - that cannot be represented by any other party to this proceeding. SEF submits that this unique interest coincides with the public interest and should be considered by the Commission.

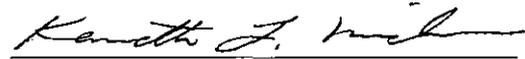
10. Moreover, SEF has experience and expertise in matters of

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 herein, the Sustainable Energy Fund of Central Eastern Pennsylvania requests that the Pennsylvania Public Utility Commission grant its Petition to Intervene in the above-captioned proceeding and grant it full party status.

Respectfully submitted,



Kenneth L. Mickens, Esq.

PA Attorney I.D. #31255

316 Yorkshire Drive

Harrisburg, PA 17111

E-Mail: kmickens11@verizon.net

Telephone: (717) 343-3338

FAX: (717) 657-0938

Attorney for The Sustainable Energy
Fund of Central Eastern Pennsylvania

DATED: October 27, 2011

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 it, 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. Section 4904, relating to unsworn falsifications to authorities.



Jennifer Hopkins, President
Sustainable Energy Fund of
Central Eastern Pennsylvania

DATED: October 27, 2011

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Petition to Intervene via first-class mail upon the following participants in accordance with the requirements of 52 Pa. Code Section 1.54, *et. seq.* (*relating to service by a participant*):

Anthony D. Kanagy, Esquire
Post & Schell
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

Paul E. Russell, Esquire
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18106

David MacGregor, Esquire
Post & Schell
Four Penn Center
1600 JFK Boulevard
Philadelphia, PA 19103

Irwin A. Popowski, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923

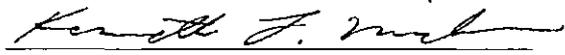
Johnnie E. Simms, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

William R. Lloyd, Jr., Esquire
Office of Small Business Advocate
Suite 1102 Commerce Building
300 North Second Street
Harrisburg, PA 17101



Kenneth L. Mickens, Esquire

Dated: October 27, 2011