

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities Corporation :
for Approval of a Default Service Program and : Docket No. P-2012-2302074
Procurement Plan for the Period June 1, 2013 :
through May 31, 2015 :**

RECEIVED

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**ANSWER OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Pursuant to 52 Pa. Code § 5.61(a), the Office of Small Business Advocate ("OSBA") submits this Answer to the Petition of PPL Electric Utilities Corporation ("PPL" or the "Company") for Approval of a Default Service Program and Procurement Plan for the Period June 1, 2013 through May 13, 2015 ("*Petition*") that was filed with the Pennsylvania Public Utility Commission ("Commission") on May 1, 2012.

Responses to the *Petition's* Numbered Paragraphs

Introduction and Summary of the DSP II Program

1. The averments of Paragraph 1 contain a summary of the Company's request for relief to which no response is required. By way of further response, the Commission's Order at *Investigation of Pennsylvania's Retail Electricity Market: Recommended Directives on Upcoming Default Service Plans*, Docket No. I-2011-2237952 (Order entered December 16, 2011) ("*December 16 RMI Order*") speaks for itself.

Overview of the DSP II Program

2. The averments of Paragraph 2 contain a summary of the Company's request for relief to which no response is required.

3. The averments of Paragraph 3 contain a summary of the Company's request for relief to which no response is required. By way of further response, Section 2807(e) of the Public Utility Code, 66 Pa. C.S. § 2807(e), as well as any Commission Policy Statements or Default Service Decisions, speak for themselves.

4. The averments of Paragraph 4 contain a summary of the Company's request for relief to which no response is required.

5. Denied. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments in Paragraph 5. Therefore, those averments are denied and strict proof thereof is demanded. By way of further response, the OSBA has supported the procurement of supply for the small commercial and industrial ("Small C&I") class through full requirements load-following contracts.

6. The averments of Paragraph 6 contain a summary of the Company's request for relief to which no response is required.

7. The averments of Paragraph 7 contain a summary of the Company's request for relief to which no response is required.

8. The averments of Paragraph 8 contain a summary of the Company's request for relief to which no response is required.

9. Denied. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments in Paragraph 9. Therefore, those averments are denied and strict proof thereof is demanded.

10. The averments of Paragraph 10 contain a summary of the Company's request for relief to which no response is required.

11. Denied. The OSBA lacks sufficient first-hand knowledge upon which to determine the truth of the averments in Paragraph 11. Therefore, those averments are denied and strict proof thereof is demanded.

12. The averments of Paragraph 12 contain a summary of the Company's request for relief to which no response is required. By way of further response, the Commission's Order at *Investigation of Pennsylvania's Retail Electricity Market: Intermediate Work Plan*, Docket No. I-2011-2237952 (Order entered March 2, 2012) ("*RMI – Intermediate Work Plan Final Order*") speaks for itself.

Overview of Section 2807(e), Commission Regulations and Policies

13. The averments of Paragraph 13 contain conclusions of law to which no response is required. By way of further response, Section 2807(e) of the Public Utility Code and 52 Pa. Code § 54.185 speak for themselves.

14. The averments of Paragraph 14 contain conclusions of law to which no response is required. By way of further response, Section 2807(e) of the Public Utility Code speaks for itself.

15. The averments of Paragraph 15 contain conclusions of law to which no response is required. By way of further response, 52 Pa. Code § 54.185 speaks for itself.

16. The averments of Paragraph 16 contain conclusions of law to which no response is required. By way of further response, the *December 16 RMI Order* and the *RMI – Intermediate Work Plan Final Order* speak for themselves.

17. The averments of Paragraph 17 are requests for relief to which no response is required.

18. The averments of Paragraph 18 are requests for relief to which no response is required.

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

Contents of the *Petition* Filing and Company Direct Testimony

20. The averments of Paragraph 20 contain a summary of the documents attached to the *Petition*. To the extent a response is required, the averments are denied.

21. The averments of Paragraph 21 contain a summary of proposed Company testimony. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Description of the Default Service Obligation

22. The averments of Paragraph 22 contain conclusions of law to which no response is required. By way of further response, the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. § 2801 *et seq.* (“Customer Choice Act”), which became effective January 1, 1997, speaks for itself.

23. The averments of Paragraph 23 contain conclusions of law to which no response is required. By way of further response, 52 Pa. Code §§ 54.181-189 speak for themselves.

24. The averments of Paragraph 24 contain conclusions of law to which no response is required. By way of further response, Act 129 of 2009 (“Act 129”) speaks for itself.

Rate Cap Period

25. Admitted. By way of further response, the “Restructuring Settlement” and “Restructuring Order” cited by the Company in Paragraph 25 speak for themselves.

26. Admitted. By way of further response, the “Restructuring Settlement,” the generation supply agreement, and the Commission Order approving the generation supply agreement cited by the Company in Paragraph 26 speak for themselves.

CBP

27. Admitted. By way of further response, the Company’s Competitive Bridge Plan and the Commission Order approving that Plan cited by the Company in Paragraph 27 speak for themselves.

28. Admitted. By way of further response, the Company’s Competitive Bridge Plan and the Commission Order approving that Plan cited by the Company in Paragraph 28 speak for themselves.

DSP I Program

29. Admitted.

30. Admitted. By way of further response, the Joint Petition for Settlement and the Commission Order approving that Settlement cited by the Company in Paragraph 30 speak for themselves.

31. Admitted. By way of further response, the Joint Petition for Settlement cited by the Company in Paragraph 31 speaks for itself.

32. Admitted. By way of further response, the Commission Order cited by the Company in Paragraph 32 speaks for itself.

33. Admitted. By way of further response, the OSBA has filed a series of complaints regarding the Company’s calculation of the GSC-1 rate.

Summary of the Proposed DSP II Program

34. The averments of Paragraph 34 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

35. The averments of Paragraph 35 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

36. The averments of Paragraph 36 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Residential

37. The averments of Paragraph 37 are requests for relief to which no response is required.

38. The averments of Paragraph 38 are requests for relief to which no response is required.

39. The averments of Paragraph 39 are requests for relief to which no response is required.

40. The averments of Paragraph 40 are requests for relief to which no response is required.

Small C&I

41. The averments of Paragraph 41 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Large C&I

42. The averments of Paragraph 42 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

43. The averments of Paragraph 43 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

AEPS Procurement

44. The averments of Paragraph 44 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

45. The averments of Paragraph 45 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

46. The averments of Paragraph 46 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

47. The averments of Paragraph 47 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

PPL Electric Administrative Costs

48. The averments of Paragraph 48 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

49. Those averments of Paragraph 49 which are requests for relief require no response. By way of further response, Administrative Law Judge Susan D. Colwell's Recommended Decision cited by the Company in Paragraph 49 speaks for itself.

DSP II Program Procurements

50. The averments of Paragraph 50 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Residential and Small C&I Customer Classes – Fixed Rate Options

51. The averments of Paragraph 51 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

52. The averments of Paragraph 52 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Residential and Small C&I – TOU Rate Option

53. The averments of Paragraph 53 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

54. The averments of Paragraph 54 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

55. The averments of Paragraph 55 are requests for relief or conclusions of law to which no response is required.

56. The averments of Paragraph 56 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

57. The averments of Paragraph 57 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

58. The averments of Paragraph 58 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

59. The averments of Paragraph 59 are requests for relief or to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

60. The averments of Paragraph 60 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Residential and Small C&I – Reconciliation

61. The averments of Paragraph 61 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

62. The averments of Paragraph 62 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

63. The averments of Paragraph 63 summarize an August 25, 2011, filing made by the Company. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

64. The averments of Paragraph 64 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

65. The averments of Paragraph 65 are requests for relief or conclusions of law to which no response is required. By way of further response, the Recommended Decision cited by the Company in Paragraph 65 speaks for itself.

PPL Electric Green Power Program

66. The averments of Paragraph 66 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Hourly Priced Default Service for Small C&I Customers with Load over 100 kW

67. The averments of Paragraph 67 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied

and strict proof thereof is demanded. By way of further response, the *December 16 RMI Order* speaks for itself.

Large C&I Customer Class - Rates

68. The averments of Paragraph 68 are requests for relief to which no response is required.

69. The averments of Paragraph 69 are requests for relief to which no response is required.

Large C&I Customer Class – Reconciliation

70. The averments of Paragraph 70 are requests for relief or conclusions of law to which no response is required.

RFP Process

71. The averments of Paragraph 71 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

72. The averments of Paragraph 72 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

73. The averments of Paragraph 73 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

74. The averments of Paragraph 74 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

75. The averments of Paragraph 75 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded. By way of further response, the OSBA has supported the procurement of supply for the Small C&I class through full requirements load-following contracts.

76. The averments of Paragraph 76 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

77. The averments of Paragraph 77 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

78. The averments of Paragraph 78 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

79. The averments of Paragraph 79 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Supply Master Agreements and RFP Rules

80. The averments of Paragraph 80 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

81. The averments of Paragraph 81 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Third-Party Manager

82. The averments of Paragraph 82 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

83. The averments of Paragraph 83 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

RTO Compliance and Consistency

84. The averments of Paragraph 84 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded. By way of further response, 52 Pa. Code § 54.185 speaks for itself.

Contingency Planning

85. The averments of Paragraph 85 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded. By way of further response, 52 Pa. Code § 54.185 speaks for itself.

86. The averments of Paragraph 86 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Retail Electricity Market Investigation – Costumer Referral Programs

87. The averments of Paragraph 87 are conclusions of law to which no response is required. By way of further response, the *RMI – Intermediate Work Plan final Order* speaks for itself.

88. The averments of Paragraph 88 are requests for relief or conclusions of law to which no response is required. By way of further response, the *RMI – Intermediate Work Plan final Order* speaks for itself.

89. The averments of Paragraph 89 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

90. The averments of Paragraph 90 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

91. The averments of Paragraph 91 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

92. The averments of Paragraph 92 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

93. The averments of Paragraph 93 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Customer Referral Mailing

94. The averments of Paragraph 94 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

Opt-In Auction

95. The averments of Paragraph 95 are requests for relief to which no response is required.

96. The averments of Paragraph 96 are requests for relief to which no response is required. By way of further response, the *RMI – Intermediate Work Plan final Order* speaks for itself.

97. The averments of Paragraph 97 are requests for relief to which no response is required.

98. The averments of Paragraph 98 are requests for relief to which no response is required.

99. The averments of Paragraph 99 are requests for relief to which no response is required.

Standard Offer Program

100. The averments of Paragraph 100 are requests for relief to which no response is required.

101. The averments of Paragraph 101 are requests for relief to which no response is required.

102. The averments of Paragraph 102 are requests for relief to which no response is required.

Additional Requested Ruling Pursuant to 66 Pa. C.S. § 2102

103. The averments of Paragraph 103 are requests for relief or conclusions of law to which no response is required. By way of further response, 52 Pa. Code § 54.186 speaks for itself.

Customer Notice

104. The averments of Paragraph 104 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded. By way of further response, 52 Pa. Code § 54.185 speaks for itself.

Waivers

105. The averments of Paragraph 105 are requests for relief or conclusions of law to which no response is required.

106. The averments of Paragraph 106 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

107. The averments of Paragraph 107 are requests for relief to which no response is required.

Proposal is in the Public Interest

108. The averments of Paragraph 108 are requests for relief or conclusions of law to which no response is required.

109. The averments of Paragraph 109 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

110. The averments of Paragraph 110 are requests for relief to which no response is required.

111. The averments of Paragraph 111 are requests for relief or conclusions of law to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

112. The averments of Paragraph 112 are requests for relief to which no response is required. To the extent a response is required, the averments are denied and strict proof thereof is demanded.

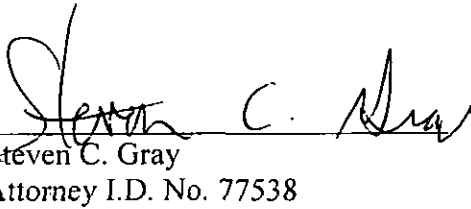
113. The averments of Paragraph 113 are requests for relief or conclusions of law to which no response is required.

Conclusion

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

- A. Direct the Office of Administrative Law Judge to hold hearings on the *Petition* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,


Steven C. Gray
Attorney I.D. No. 77538
Acting Small Business Advocate

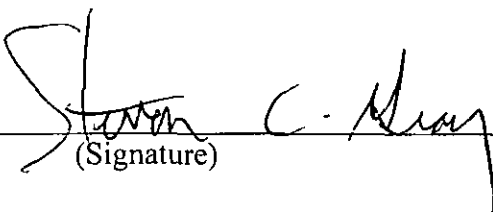
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(717) 783-2831

Dated: June 4, 2012

VERIFICATION

I, Steven C. Gray, 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: June 4, 2012



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities Corporation :
for Approval of a Default Service Program and : Docket No. P-2012-2302074
Procurement Plan for the Period June 1, 2013 :
through May 31, 2015 :**

**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 (the "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 Intervention in the above-captioned Commission proceeding.

On May 1, 2012, PPL Electric Utilities Corporation ("PPL" or the "Company") filed a petition for approval of a program ("Petition") to provide default service from June 1, 2013, through May 31, 2015.

The Small Business Advocate is intervening in this proceeding in order to protect the interests of the Company's small business customers. A thorough inquiry by the Commission into all of the elements of the Petition is necessary to ascertain whether the Company's proposals for procuring electricity conform to the Public Utility Code and to the Commission's regulations and policy statement regarding default service.

In view of the foregoing, the Small Business Advocate is requesting that the Petition be subject to investigation and evidentiary hearings before the Commission. The Small Business Advocate will ask the Commission to deny or modify any aspect of the Company's proposals that are not proven by PPL to be in accordance with the Public Utility Code and with the Commission's regulations and policy statement regarding default service.

Dated: June 4, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities Corporation :
for Approval of a Default Service Program and : Docket No. P-2012-2302074
Procurement Plan for the Period June 1, 2013 :
through May 31, 2015 :**

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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NextEra Energy Services PA, LLC
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(First-class Mail Only)

Dominion Retail, Inc.
501 Martindale Street - 4th Floor
Pittsburgh, PA 15212-5817
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Agway Energy Services, LLC
240 Route 10 West
Whippany, NJ 07981
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Oasis Energy
11152 Westheimer Road - #901
Houston, TX 77042
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Direct Energy Services, LLC
2488 East 81st Street - #800
Tulsa, OK 74137
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TriEagle Energy, LP
2620 Technology Forest Drive
The Woodlands, TX 77381
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DPL Energy Resources
1065 Woodman Drive
Dayton, OH 45432
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ArcelorMittal USA, LLC
3300 Dickey Road
East Chicago, IN 46312
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Bounce Energy
2802 Albany Street
Houston, TX 77006
(First-class Mail Only)

Noble Solutions Sempra
401 West A Street - #500
San Diego, CA 92101
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Think Energy
1990 Post Oak Blvde. - #1900
Lehigh Valley, PA 18002
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HOP Energy, LLC
4 W. Red Oak Lane - #310
White Plains, NY 10643
(First-class Mail Only)

Great American Power
2959 Cherokee Street - #102
Kennesaw, GA 30144
(First-class Mail Only)

PAETEC Energy
600 Willowbrook Office Park
Fairport, NY 14450
(First-class Mail Only)

Planet Energy (PA) Corp.
10 Kingsbridge Garden Circle - #800
Mississauga, Ontario L5R 3K6
Canada
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Texas Retail Energy, LLC
2001 S. E. 10th Street
Bentonville, AR 71716
(First-class Mail Only)

Starion Energy PA Inc.
220 Main Street South - #206
Southbury, CT 06488
(First-class Mail Only)

Respond Power, LLC
100 Dutch Hill Road - #310
Orangeburg, NY 10962
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Ambit Northeast, LLC
1801 N. Lamar Street - #200
Dallas, TX 75202
(First-class Mail Only)

Amerigreen Energy
55 Doe Run Road
Manheim, PA 75202
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YEP Energy
7660 Woodway Drive - #47
Houston, TX 77063
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Hudson Energy
4 Executive Blvd. - #301
Suffern, NY 10901
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IDT Energy, Inc.
20 West Third Street - #10
P. O. Box 400
Jamestown, NY 14702
(First-class Mail Only)

ESPI d/b/a Pennsylvania Gas & Electric
290 N. W. 165th Street - #PH5
North Miami, FL 33169
(First-class Mail Only)

HIKO Energy, LLC
12 College Road
Monsey, NY 10952
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Date: June 4, 2012

Green Mountain Energy Company
1255 W. 15th Street - #100
Plano, TX 75075
(First-class Mail Only)

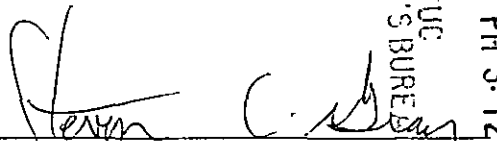
Plymouth Rock Energy Corp.
1074 Broadway
Woodmere, NY 11598
(First-class Mail Only)

Nordic Energy Services, LLC
One Tower Lane - #300
Terrace, IL 60181-4647
(First-class Mail Only)

Blue Pilot Energy
250 Pilot Road - #300
Las Vegas, NV 89119
(First-class Mail Only)

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