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August 30, 2012

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg., 2nd Fl.
400 North Street
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RE: PECO Energy Company's Petition for Evidentiary Hearing in the
Energy Efficiency and Conservation Program; Docket No. P-2012-2320334

Dear Secretary Chiavetta:

Enclosed for electronic filing is Comverge, Inc.'s Petition to Intervene in the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Norton'.

Jeffrey J. Norton

JJN/jls
Enclosure

cc: Certificate of Service (w/enc)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: August 30, 2012



Jeffrey J. Norton

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PECO ENERGY COMPANY'S :
PETITION FOR EVIDENTIARY : Docket No. P-2012-2320334
HEARING IN THE ENERGY :
EFFICIENCY AND CONSERVATION :
PROGRAM :

**COMVERGE, INC.'S
PETITION TO INTERVENE**

Pursuant to 52 Pa. Code §§ 5.72-5.75, Comverge, Inc. (“Comverge”) petitions the Pennsylvania Public Utility Commission (“the Commission”) to intervene in the Energy Efficiency and Conservation Program proceedings with respect to PECO Energy Company (“PECO” or “Company”) who requested an evidentiary hearing¹. In support of its intervention, Comverge states as follows:

1. Pursuant to Section 2806.1(b) of Act 129 of 2008 (“Act 129”), 66 Pa. C.S. 2806.1, Pennsylvania electric distribution companies (“EDCs”) are required to file energy efficiency and conservation (“EE&C”) plans.
2. In 2009, PECO submitted an approved EE&C Plan for the Phase I EE&C Program.
3. The Commission retained a Statewide Evaluator (“SWE”) to conduct market potential and baseline studies in order to comply with the cost-benefit analyses required by Sections 2806.1(c)(3) and (d)(2). The Commission released the SWE baseline studies to the

¹ In its Petition for an Evidentiary Hearing, PECO referred to Docket Nos. M-2012-2289411 and M-2008-2069887.

public on May 8, 2012. On May 10, 2012, the Commission issued a Tentative Implementation Order and released SWE's Market Potential Study. See: *Phase II Implementation Order*, at 12-13,18.

4. The Commission further provided that the EDCs may continue cost-effective residential demand response curtailment measures under Act 129 without specific demand reduction goals. *Id.* at 42.

5. The Commission established EDC-specific consumption reduction targets for Phase II. *Id.* at 14-23.

6. On August 3, 2012, the Commission entered an Implementation Order in the above-captioned proceedings ("Phase II Implementation Order"). On August 20, 2012, PECO filed a Petition for an Evidentiary Hearing on its specific consumption reduction target.

7. Comverge is one of the nation's leading providers of Demand Response ("DR") products and services and is the nation's largest provider of DR products and services to residential customers. Comverge has been an active Conservation Service Provider ("CSP") in Pennsylvania and has served several EDCs in the Act 129 Phase I Programs and has secured both residential and commercial and industrial DR resources in Pennsylvania to ensure the success of the Act 129 legislative goals. Comverge provides complex energy management programs and related services to electric distribution companies ("EDCs"), residential and small business, large commercial, and industrial customers throughout Pennsylvania, including those customers in the PECO's service territory. Comverge has a unique business model, and extensive experience in providing energy management solutions services to all types of customers.

8. Comverge's attorneys in this matter are:

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9. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A "person" includes a corporation. 52 Pa. Code § 1.8.

10. Comverge meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As a CSP with contracts that call for demand response from customers (residential, large commercial and industrial) in the PECO service territory, Comverge satisfies the standard for intervention because Comverge possesses an "interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72(a)(1).

11. Comverge's interests in this proceeding are unique and not adequately represented by other parties that may seek to intervene. Comverge has a major concern that the consumer-focused DR programs will suffer harmful and disruptive breaks in service if the Act 129 Programs are not continued or are interrupted. Comverge will explain how the continuation of DR programs will provide stability in reliability planning, capture significant benefits, and avoid waste at little added cost. DR programs provide customers with reduced energy consumptions,

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reduced energy costs in peak hours, lower clearing prices during peak hours, reduced capacity costs and lower monthly electric bills. In view of Comverge's unique business model, Comverge's interests in this proceeding cannot be adequately represented by other parties which have different business models and different customer target markets.

12. Comverge's interests are substantial. The targets set for PECO will impact PECO's energy efficiency and conservation program, which in turn will have a material effect on DR product and service development in the PECO service territory and on the allocation of funds for direct load control ("DLC"), DR and other energy management programs.

13. Comverge is registered as a CSP² on the PUC's Registry of CSPs. The consumption reduction targets tentatively set by the Commission and the resulting measures implemented by PECO may impact Comverge's plans to expand its business in PECO's service territory.

14. Comverge will be bound by the action of the Commission in this proceeding, which will determine the targets for the EE&C Program in the PECO service territory.

15. Specifically, Comverge is directly interested in DR Program targets and other energy measures in the PECO service territory. The implementation of such proposals directly impact Comverge's business model, and Comverge believes that the Commission should continue DR programs and program elements without disruption.

16. At this time, Comverge continues to evaluate its position on the Commission's tentative targets and may refine its position based on further study of the proposals, review of discovery and additional input from other parties.

² A-2009-2113604. Comverge's wholly owned subsidiary, Enerwise Global Technologies, is also registered as a CSP. A-2012-2297625.

17. Comverge's intervention is in the public interest. Comverge has the experience and resources to aid the Commission in carrying out its duties and responsibilities under Act 129, the Electricity Generation Customer Choice and Competition Act to ensure that the goals of the Act are met. Accordingly, Comverge is uniquely qualified to present views regarding PECO's energy efficiency and conservation programs and Comverge's participation in this proceeding is clearly in the public interest. *See* 52 Pa. Code § 5.72(a)(3).

WHEREFORE, Comverge respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,



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