



Julia A. Conover
(717) 236-1300 x223
jaconover@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

December 7, 2012

VIA ELECTRONIC FILING

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

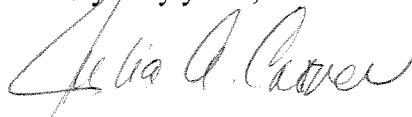
RE: Joint Petition for Consolidation of Proceedings And Approval Of Energy Efficiency and Conservation Plans Phase II of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company; Docket No. M-2012-2334398; **PETITION TO INTERVENE**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is an original of the Petition to Intervene of UGI Central Penn Gas, Inc. in the above-captioned proceeding. Copies of this Petition to Intervene have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions related to this filing, please do not hesitate to contact my office.

Very truly yours,



Julia A. Conover

JAC/jld/152011.1

Enclosures

cc: Administrative Law Judge Elizabeth H. Barnes
Per Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Petition to Intervene upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party).

VIA ELECTRONIC AND FIRST CLASS MAIL

Kathy J. Kolich, Esquire
FirstEnergy Service Company
76 South Main Street
Akron, OH 44309
kjkolich@firstenergycorp.com

John F. Povilaitis, Esquire
Buchanan, Ingersoll & Rooney, P.C.
409 Second Street, Suite 500
Harrisburg, PA 17101-1357
john.povilaitis@bipc.com

Steven C. Gray
Acting Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101
sgray@state.pa.us

Lauren M. Lepkoski, Esquire
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
llepkoski@firstenergycorp.com

Tanya J. McCloskey
Acting Consumer Advocate
Office of Consumer Advocate
55 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
tmccloskey@paoca.org

VIA FIRST CLASS MAIL

Honorable Elizabeth H. Barnes
Administrative Law Judge
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17120

Johnnie H. Simms, Director
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120



Julia A. Conover
PA Attorney I.D. #27451
Kevin J. McKeon
PA Attorney I.D. #30428

DATED: December 7, 2012

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition for Consolidation of Proceedings :
And Approval Of Energy Efficiency and : Docket No. M-2012-2334398
Conservation Plans Phase II of Metropolitan : (West Penn Power Company)
Edison Company, Pennsylvania Electric :
Company, Pennsylvania Power Company, and :
West Penn Power Company.

**PETITION TO INTERVENE
UGI CENTRAL PENN GAS, INC.**

UGI Central Penn Gas, Inc. (“UGI CPG”), by and through its counsel, Hawke McKeon & Sniscak LLP, hereby files this Petition to Intervene in the above-captioned matter pursuant to 52 Pa. Code § 5.71. In support thereof, UGI CPG represent as follows:

1. UGI CPG is represented in the above-captioned matter by the following counsel:

Kevin J. McKeon, Attorney I.D. #30428
Julia A. Conover, Attorney I.D. #27451
Hawke McKeon & Sniscak LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17101
Phone: 717-236-1300
Fax: 717-236-4841
jaconover@hmslegal.com
kjmckeon@hmslegal.com

Mark C. Morrow, Attorney I.D. #33590
Chief Regulatory Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
Phone: 610-768-3628
Fax: 610-992-3258
morrowm@ugicorp.com

Please include the above-listed counsel on the service list for all documents in this matter.

2. On November 13, 2012, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power (“West Penn”) filed a Joint Petition requesting approval of their respective Act 129 Phase II Energy Efficiency and Conservation Plans (“EE&C Plans”) with the Pennsylvania Public Utility Commission (“PUC” or “Commission”).

3. UGI CPG, headquartered in Reading, Pennsylvania, provides natural gas distribution service to approximately 76,000 additional customers in 34 counties in Pennsylvania and one county in Maryland, including areas served by West Penn.

5. The Commission’s regulations provide that a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.¹ In order to successfully demonstrate that intervention is appropriate, at least one of the eligibility requirements of 52 Pa. Code § 5.72 must be met.²

6. UGI CPG seeks to intervene in Docket No. M-2012-2334398 addressing the EE&C Plan submitted by West Penn. UGI CPG is eligible to intervene in this proceeding under both § 5.72(a) (2) and (a) (3). UGI CPG has interests which are directly affected and are not adequately represented by existing participants in the proceeding as to which the UGI CPG may be bound by the action of the Commission in the proceeding. In light of these interests, UGI CPG participated in the proceeding to consider West Penn’s Phase I EE&C Plan and has

¹ 52 Pa. Code § 5.72 (a).

² The right or interest may be one of the following: (1) a right conferred by statute of the United States or of the Commonwealth; (2) 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; or (3) another interest of such nature that participation of the petitioner may be in the public interest. *Id.*

participated in the West Penn's stakeholder process for the development of its current plan. Given the broad requirements and clear intent of Act 129 for the EDCs' employment of energy efficiency and conservation measures such as "energy efficient heating and cooling equipment or systems and energy efficient appliances and other technologies," UGI CPG – which advocates the inclusion of fuel switching opportunities in the EE&C plans – has interests that are of such a nature that their participation in this proceeding is in the public interest.

(a) Act 129 and the Commission's Orders implementing it clearly contemplate that fuel switching programs are eligible to meet the EDCs' Act 129 load reduction targets³ and that the statute requires procedures to be established "through which recommendations can be made as to additional measures that will enable an EDC to improve its plan."⁴

(b) UGI CPG should also be granted intervention in this proceeding because the use of natural gas resources as an electric usage reduction measure has the potential to significantly affect the total costs that West Penn's customers may ultimately pay for their total energy consumption once an approved EE&C plan is fully implemented. In addition, once approved, the EE&C plans will be in place for an extended timeframe with limited opportunities for plan review and adjustment. Thus, the Commission must gather and consider a broad spectrum of industry and consumer input on the sufficiency of the EDCs' EE&C plans now so that the goals of Act 129 are achieved in a cost-effective manner for the long term.

³ See e.g., 66 Pa. C.S. §2806.1 (a), (b)(1)(i)(A), and (m); *2012 Total Resource Cost Test*, Order entered Aug. 30, 2012 in Docket No. M-2012-230653, at 41-43 (fuel switching included as part of the PA TRC test); *Act 129 Fuel Switching Working Group Staff Report*, Docket No. M-00051865, Secretarial Letter dated May 21, 2010, at 2 (adopting the Fuel Switching Working Group Report's recommendations, which expressly endorsed the use of fuel switching measures in Act 129 EE&C plans); *Implementation Order -- Energy Efficiency and Conservation Program*, ("Phase I Implementation Order"), Order entered January 16, 2009 in Docket No. M-2008-2069887 at 14 (Act requires an EDC to demonstrate that its plan is cost-effective using the TRC test, and that it provides a diverse cross section of alternatives for all rate classes).

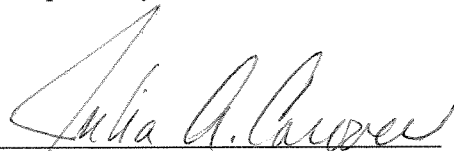
⁴ Phase I Implementation Order at 23-24.

(c) UGI CPG seeks to intervene in this proceeding for the purpose of providing input regarding the significant benefits of including fuel switching measures in West Penn's EE&C Plan to not only meet the load reduction mandate of Act 129, but to provide long-term sustainable benefits to consumers such as downward pressure on wholesale electric and natural gas prices resulting from the more efficient use of natural gas on a source-to-end-use basis and a reduction in greenhouse gas emissions. UGI CPG is uniquely positioned to provide valuable input to the Commission on fuel switching measures because it provides natural gas service to a number of customers in West Penn's territory. UGI CPG's interest is not adequately represented by any other party or participant in this proceeding.

(d) UGI CPG also has standing to intervene in this action as a customer and ratepayer of West Penn.

WHEREFORE, UGI CPG respectfully requests that the Commission grant it leave to intervene and admit it as a party to this proceeding.

Respectfully submitted,



Kevin J. McKeon
PA Attorney I.D. #30428
Julia A. Conover
PA Attorney I.D. #27451
HAWKE, MCKEON & SNISCAK, LLP
P.O. Box 1778
100 N. Tenth Street
Harrisburg, PA 17105-1778
Telephone: (717) 236-1300
Facsimile: (717) 236-4841

Mark C. Morrow
Chief Regulatory Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
Telephone: (610) 768-3628

Counsel for UGI Central Penn Gas, Inc

Dated: December 7, 2012