



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF SMALL BUSINESS ADVOCATE

December 18, 2012

E-Filed

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

**Re: Petition of Pennsylvania Power Company for Approval of Its Act 129
Phase II Energy Efficiency and Conservation Plan
Docket No. M-2012-2334395**

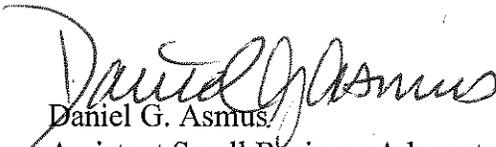
Dear Secretary Chiavetta:

I am delivering for filing today the Notice of Intervention and Public Statement, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding. As discussed with Commission staff, the legislatively-mandated Public Statement is included behind the Notice of Intervention.

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,


Daniel G. Asmus
Assistant Small Business Advocate
Attorney ID No. 83789

Enclosures

cc: Parties of Record
Robert D. Knecht

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power :
Company for Approval of its Act 129 : **Docket No. M-2012-2334395**
Phase II Energy Efficiency and :
Conservation Plan

**NOTICE OF INTERVENTION
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

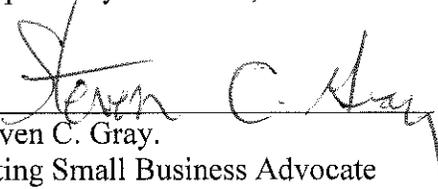
The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the petition of Pennsylvania Power Company (“Penn Power” or the “Company”) filed with the Pennsylvania Public Utility Commission (“Commission”) on November 13, 2012. By its petition, Penn Power seeks Commission approval of its Phase II Energy Efficiency and Conservation Plan mandated by Act 129.

In support of this Notice of Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Commission.
2. Representing the OSBA in this proceeding is:

Daniel G. Asmus, Esquire
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 1102
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
dasmus@state.pa.us

Respectfully submitted,


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

Office of Small Business Advocate
300 North Second Street, Suite 1102
Harrisburg, PA 17101
(717) 783-2525

Date: December 18, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power :
Company for Approval of its Act 129 : **Docket No. M-2012-2334395**
Phase II Energy Efficiency and :
Conservation Plan :

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

The Small Business Advocate is authorized and directed to represent the interests 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 issue publicly a written statement setting forth concisely the specific interest of small business consumers to be protected by the initiation of, or intervention in, any proceeding involving those interests before the Pennsylvania Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of 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 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. Pennsylvania Power Company (“Penn Power”) developed, filed, and received approval of its initial EE&C Plan.

On August 3, 2012, the Commission entered the *Phase II Implementation Order* at Docket Nos. M-2008-2069887 and M-2012-2289411, tentatively adopting EDC-

specific targets for reduced energy consumption in Phase II of the EE&C Program, to run from June 1, 2013 through May 31, 2016. Penn Power filed its Phase II EE&C Plan with the Commission on November 13, 2012.

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. Consequently, the rates of small business customers will be affected by the Phase II EE&C Plans. Therefore, the Small Business Advocate has filed a Notice of Intervention in the proceeding regarding the Company's proposed Phase II EE&C plan in order to protect the interests of small business customers.

Dated: December 18, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power Company for :
Approval of its Act 129 Phase II Energy : **Docket No. M-2012-2334395**
Efficiency and Conservation Plan :

CERTIFICATE OF SERVICE

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

Hon. Elizabeth H. Barnes
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105
(717) 787-1191
(717) 787-0481 (fax)
ebarnes@pa.gov
(E-mail and Hand Delivery)

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

Lauren M. Lepkoski, Esquire
FirstEnergy Services Company
2800 Pottsville Pike
Reading, PA 19612
llepkoski@firstenergycorp.com

John F. Povilaitis, Esquire
Buchanan Ingersoll and Rooney
409 North Second Street - #500
Harrisburg, PA 17101-1357
John.Povilaitis@bipc.com

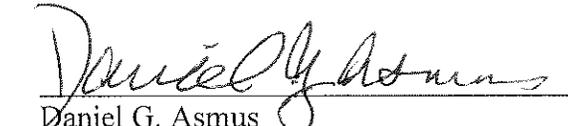
Tanya J. McCloskey, Esquire
Christy M. Appleby, Esquire
Candis A. Tunilo, Esquire
Office of Consumer Advocate
555 Walnut Street - 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048
(717) 783-7152 (fax)
Tmccloskey@paoca.org
cappleby@paoca.org
ctunilo@paoca.org
(E-mail and Hand Delivery)

Johnnie E. Simms, Esquire
Bureau of Investigation and Enforcement
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105
(717) 787-1976
(717) 772-2677 (fax)
josimms@pa.gov
(E-mail and Hand Delivery)

Heather M. Langeland, Esquire
PennFuture
200 First Avenue - #200
Pittsburgh, PA 15222
(412) 258-6684
(412) 258-6685 (fax)
langeland@pennfuture.org

Teresa K. Schmittberger, Esquire
Susan E. Bruce, Esquire
Vasiliki Karandrikas, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick, LLC
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000
(717) 237-5300 (fax)
tschmittberger@mwn.com
sbruce@mwn.com
vkandrikas@mwn.com
cmincavage@mwn.com

Date: December 18, 2012


Daniel G. Asmus
Assistant Small Business Advocate
Attorney ID No. 83789