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January 14, 2013

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg., 2nd Fl.
400 North Street
Harrisburg, PA 17105-3265

RE: Petition of Duquesne Light Company for Approval of its Act 129 Phase II
Energy Efficiency and Conservation Plan; Docket No. M-2012-2334399

Dear Secretary Chiavetta:

Enclosed for electronic filing is Comverge, Inc.'s Petition for Admission *Nunc Pro Tunc* of Direct Testimony 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: Hon. Dennis J. Buckley (w/enc)
Certificate of Service (w/enc)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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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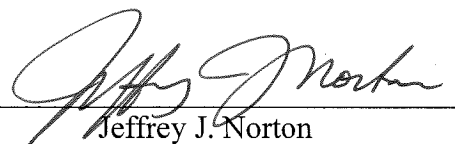
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Jeffrey J. Norton

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF DUQUESNE LIGHT :
COMPANY FOR APPROVAL OF ITS ACT : Docket No. M-2012-2334399
129 PHASE II ENERGY EFFICIENCY AND :
CONSERVATION PLAN :

**COMVERGE, INC.'S PETITION FOR ADMISSION
NUNC PRO TUNC OF DIRECT TESTIMONY**

Pursuant to 52 Pa. Code § 1.2, Intervenor Comverge, Inc. (“Comverge”) respectfully requests that Administrative Law Judge (“ALJ”) Dennis J. Buckley admit *nunc pro tunc* Comverge’s direct testimony into the record in the proceeding related to Duquesne Light Company’s (“Duquesne”) Act 129 Phase II Energy Efficiency and Conservation Plan (“Phase II Plan”), and in support thereof, states as follows:

1. The Prehearing Conference Order, issued on November 28, 2012, scheduled December 21, 2012, as the deadline for the filing of “Other Parties’ *Comments*/Direct Testimony” to Duquesne’s Phase II Plan. (Emphasis added).
2. Likewise, the Second Prehearing Order, issued on December 12, 2012, scheduled January 3, 2013, as the deadline for the filing of “Other Parties’ *Comments*/Direct Testimony” to Duquesne’s Phase II Plan. (Emphasis added).
3. Comverge filed its Petition to Intervene in this proceeding on December 21, 2012.¹

¹ Comverge also has intervenor status in the matters of *Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*, Docket No. M-2012-2334388, and *Petition of PECO Energy Company for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*, Docket No. M-2012-2333992, which are also presently before Judge Buckley. Comverge filed its

4. Also on December 21, 2012, Comverge timely submitted its Comments to Duquesne's Phase II Plan.
5. No party of record to this proceeding objected to Comverge's Comments.
6. In the Fourth Prehearing Order, issued on January 9, 2013 (after the filing deadline), Comverge was informed in this proceeding that "comments" would not be admitted into the record, and that only "direct testimony" would be accepted.²
7. Comverge now seeks to admit *nunc pro tunc* direct testimony to Duquesne's Phase II Plan. A true and correct copy of Comverge's direct testimony is attached hereto as Exhibit A.
8. 52 Pa. Code § 1.2(a) permits the Commission or Presiding Officer to "disregard an error or defect of procedure which does not affect the substantive rights of the parties."
9. 52 Pa. Code § 1.2(c) further permits the Commission or Presiding Officer to "waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party."
10. In light of the language contained in the Prehearing Conference Order and the Second Prehearing Order (*i.e.*, "Other Parties' **Comments**/Direct Testimony"), the accelerated

Petition to Intervene in both proceedings on December 19, 2012, and both were granted by order dated December 27, 2012.

² In the PPL and PECO proceedings, Judge Buckley sent separate but similar emails on December 27, 2012, indicating that "comments" would not be admitted into the record unless they are "introduced at hearing by a party to the proceeding and an authenticating witness is made available for cross-examination." Judge Buckley prefaced his discussion concerning the admissibility of "comments" by stating that he was reiterating a point apparently covered at the prehearing conference. Comverge was not a party to either the PPL or PECO proceedings at the time of the respective prehearing conferences.

The Fifth Prehearing Order in the PECO proceeding, issued on January 2, 2012, contained similar language regarding the admissibility of "comments."

schedule and compressed time period of this proceeding, Comverge's late intervention into this proceeding, Comverge's timely filing of its Comments to Duquesne's Phase II Plan with no objections or rebuttal, and the fact that Comverge was not informed by Order until well after the filing deadline had passed that "comments" would not be accepted into the record, Comverge respectfully submits that admission *nunc pro tunc* of its direct testimony to Duquesne's Phase II Plan is warranted under the facts and circumstances present here.

11. Comverge's proposed direct testimony does not materially differ in substance from its Comments to Duquesne's Phase II Plan, which were timely filed and received by the other parties to this proceeding. No parties objected to the Comments.

12. Comverge is willing to agree to whatever extension of time is reasonable and necessary to allow the other parties to object to, cross examine and/or rebut Comverge's direct testimony.³

13. Accordingly, the admission of Comverge's direct testimony will not prejudice the other parties to this proceeding.

14. Comverge is simply offering credible suggestions to the Commission to consider the CHP option to improve the distribution companies' energy efficiency, conservation and cost reductions.

15. The record has not been officially closed at this time.

³ Counsel for Duquesne indicated during discussions with Comverge counsel that Duquesne would likely oppose the present Petition on the grounds that the accelerated schedule and compressed time period would make it difficult to respond to Comverge's direct testimony. Comverge will have no objection to allowing Duquesne a reasonable extension of time for opposing parties to file objections and/or submit rebuttal testimony to Comverge's direct testimony.

16. It is in the public interest that the record to this proceeding be complete in that it will aid this ALJ and the Commission in reaching a reasoned decision. Admitting Converge's direct testimony into the record *nunc pro tunc* will ensure that the record is complete.

WHEREFORE, for all the foregoing reasons, Converge respectfully requests that its Petition for Admission *Nunc Pro Tunc* of Direct Testimony be granted and that the direct testimony attached hereto as Exhibit A be received into the record.

Respectfully submitted,



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Date: January 14, 2013

Attorneys for Converge, Inc.

EXHIBIT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF DUQUESNE LIGHT :
COMPANY FOR APPROVAL OF ITS ACT : Docket No. M-2012-2334399
129 PHASE II ENERGY EFFICIENCY AND :
CONSERVATION PLAN :

**DIRECT TESTIMONY
OF
RAYMOND G. BERKEBILE**

On Behalf of
Comverge, Inc.

January 14, 2013

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND BUSINESS**
2 **RESPONSIBILITIES.**

3 A. My name is Raymond G. Berkebile. I am the Director of Professional Engineering for
4 Comverge, Inc. ("Comverge"). My business address is 511 Schoolhouse Road, Suite
5 200, Kennett Square, PA 19348. In my current position, I lead an engineering team that
6 identifies opportunities for customers involving demand response, energy efficiency, and
7 energy management. I have been an engineer for over 27 years and have over 14 years of
8 experience in the power industry.

9 **Q. HAVE YOU EVER TESTIFIED BEFORE THIS COMMISSION?**

10 A. Yes. I recently offered direct written testimony in the matter of *Petition of PECO Energy*
11 *Company for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*,
12 Docket No. M-2012-2333992. In addition, I am contemporaneously offering direct
13 written testimony in the matters of *Petition of PPL Electric Utilities Corporation for*
14 *Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*, Docket No.
15 M-2012-2334388; *Petition of Metropolitan Edison Company for Approval of its Act 129*
16 *Phase II Energy Efficiency and Conservation Plan*, Docket No. M-2012-2334387;
17 *Petition of Pennsylvania Electric Company for Approval of its Act 129 Phase II Energy*
18 *Efficiency and Conservation Plan*, Docket No. M-2012-2334392; *Petition of*
19 *Pennsylvania Power Company for Approval of its Act 129 Phase II Energy Efficiency*
20 *and Conservation Plan*, Docket No. M-2012-2334395; and *Petition of West Penn Power*
21 *Company for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan*,
22 Docket No. M-2012-2334398.

23 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

24 A. I am testifying on behalf of Comverge.

1 **Q. PLEASE DESCRIBE COMVERGE.**

2 A. Comverge is one of the nation's leading providers of energy management products and
3 services. Comverge has been an active Conservation Service Provider ("CSP") in
4 Pennsylvania¹ and has served several electric distribution companies ("EDCs") who are
5 in the Act 129 Phase II Programs. Comverge has provided complex energy management
6 programs and related services to small business, large commercial, and industrial
7 customers throughout Pennsylvania, including those customers in the Duquesne Light
8 Company ("Duquesne" or "Company") service territory.

9 Comverge has a unique business model, and extensive experience in providing
10 energy management solution services to all types of customers. With more than 500
11 utility and 2,100 commercial and industrial customers, five million deployed residential
12 devices, and over 10,000 metering points, Comverge has unparalleled industry
13 knowledge and experience to offering reliable, easy-to-use, and cost-effective intelligent
14 energy management solutions.

15 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

16 A. My testimony will address Duquesne's Act 129 Phase II Energy Efficiency and
17 Conservation ("EE&C") Plan ("Phase II Plan" or "Plan"), Docket No. M-2012-2334399,²
18 which were filed with the Pennsylvania Public Utility Commission ("PUC" or

¹ Comverge is registered as a CSP on the PUC's Registry of CSPs, *available at* http://www.puc.pa.gov/utility_industry/electricity/conservation_service_providers_registry.aspx. *See also* Petition of Comverge, Inc., Docket No. A-2009-2113604, Secretarial Letter dated Nov. 3, 2011 (approving application to re-register as a CSP). Comverge's wholly owned subsidiary, Enerwise Global Technologies, is also registered as a CSP. *See* Petition of Enerwise Global Technologies, Inc., Docket No. A-2012-2297625, Secretarial Letter dated April 11, 2012 (approving the company's application to register as a CSP).

² *Available at* http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334399.

1 “Commission”) pursuant to Act 129 of 2008, 66 Pa . C.S. § 2806.1 (“Act 129), and the
2 PUC’s Implementation Order entered on August 3, 2012, at Docket Nos. M-2008-
3 2069887 and M-2012-2289411.

4 **Q. PLEASE SUMMARIZE COMVERGE’S POSITION ON DUQUESNE’S PHASE II**
5 **PLAN.**

6 A. In these related proceedings, Comverge promotes the development of behind-the-meter
7 cogeneration with combined heat and power (“CHP”) technologies as a supported
8 energy-efficient and conservation measure to provide stability in reliability planning,
9 capture significant benefits, and avoid waste at little added cost. CHP technologies
10 generate electric and thermal energy from a single fuel source, e.g., natural gas.
11 Customers with steady base load electricity usage coupled with steady thermal demand
12 can realize significant efficiencies and savings by incorporating CHP. Comverge
13 supports the use of CHP as a cost-effective, energy-efficient energy use that supports the
14 goals and objectives of Act 129. Comverge believes CHP should have an important role
15 in Duquesne’s Phase II Plan.

16 **Q. DOES DUQUESNE DISCUSS CHP IN ITS EE&C PLANS?**

17 A. No. Duquesne has not included CHP as an energy efficiency and conservation measure
18 in any significant way in either its Phase I³ or Phase II EE&C Plan.

19 **Q. WHAT IS YOUR RECOMMENDATION FOR THE DEVELOPMENT OF CHP**
20 **TECHNOLOGIES IN DUQUESNE’S SERVICE TERRITORY?**

21 A. Comverge believes CHP should have an important role in Duquesne’s Phase II Plan, and
22 advocates that Duquesne should adopt the elements of the Smart On-Site Program (“the

³ See Duquesne Light Company’s Energy Efficiency and Conservation Plan (“Phase I Plan”), Docket No. M-2009-2093217, *available at* http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2009-2093217.

1 Program”) set forth in PECO’s Phase II Plan that support CHP. Duquesne should then
2 actively develop and implement CHP technologies in its service territory.

3 **Q. PLEASE BRIEFLY DESCRIBE PECO’S SMART ON-SITE PROGRAM.**

4 A. As an example, in PECO’s Phase II Plan, the Smart On-Site Program sets forth the
5 PECO’s interest in developing CHP technologies in its service territory.⁴ In its Petition
6 for Approval of its Phase II Plan, PECO states that the PECO Smart On-Site Program is
7 designed to encourage installation of CHP projects that “maximize operational savings
8 and minimize operational and maintenance costs. It offers incentives to customers who
9 install CHP technologies to reduce facility energy use.”⁵

10 **Q. PLEASE DESCRIBE THE OBJECTIVES OF PECO’S SMART ON-SITE**
11 **PROGRAM.**

12 A. PECO’s Smart On-Site Program (“the Program”) will be rolled out to the public during
13 PY 2013 and will operate through PY 2015. In its Phase II Plan, PECO sets forth its
14 Smart On-Site Program objectives:

- 15 1. Increase consumers’ awareness and understanding of CHP
16 technologies and opportunities in their facilities.
- 17 2. Assist customers interested in acting on opportunities to install
18 various types of CHP systems.

⁴ See PECO’s Phase II Plan at 147-154; see also PECO St. No. 1 (Jiruska) at 16; PECO St. No. 2 (Galvin) at 12; Exhibit RAS-2, Phase II Plan Program Cost By Rate Class (PY2013-PY2015). All available at http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2333992.

⁵ Petition of PECO Energy Company for Approval of its Phase II Energy Efficiency and Conservation Plan, Docket No. M-2012-2333992, at 10, available at http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2333992.

- 1 3. Overcome financial barriers to allow customers to integrate CHP
- 2 technologies into their facilities energy systems.
- 3 4. Make a significant contribution to attainment of PECO's energy
- 4 savings goals.
- 5 5. Demonstrate PECO's commitment to and confidence in innovative
- 6 energy savings technologies.
- 7 6. Strengthen customer trust in PECO as their partner in saving
- 8 energy.⁶

9 **Q. PLEASE DESCRIBE PECO'S PLAN TO DEVELOP CHP TECHNOLOGIES.**

10 A. PECO's target customer market for its Smart On-Site Program includes all existing

11 commercial and industrial accounts, including government, public, and non-profit

12 facilities. The Company's focus for the Program is customers installing any type of CHP

13 technology that helps offset facility demand. The Program offers incentives to customers

14 who install CHP technologies to reduce facility energy use.⁷ CHP technologies generate

15 electric and thermal energy from a single fuel source, e.g., natural gas. Customers with

16 steady base load electricity usage coupled with steady thermal demand can realize

17 significant efficiencies and savings by incorporating CHP. The Program will be designed

18 to ensure participating customers install economic CHP projects that maximize

19 operational savings and minimize operational and maintenance costs.⁸ The Program

20 incentives are paid on a declining tiered incentive rate by installed capacity with a bonus

⁶ PECO's Phase II Plan at 147.

⁷ *Id.*

⁸ *Id.*

1 performance payment. The performance payment is paid on a fixed per kWh basis based
2 on actual energy savings after a one-year monitoring period.⁹

3 **Q. IS ASSISTANCE AVAILABLE TO ENERGY USERS?**

4 A. Yes. In its Program, PECO points out that several other sources of technical and
5 financial assistance are available to commercial and industrial energy users to enable
6 energy efficiency improvements. PECO highlights specifically the United States Clean
7 Heat and Power Association as an applicable collaborative resource to entities that utilize
8 CHP and who work to develop sound clean energy policy and market place solutions.¹⁰

9 **Q. DOES PECO'S SMART ON-SITE PROGRAM PROVIDE INCENTIVES TO**
10 **ENERGY USERS?**

11 A. Yes. PECO's Phase II Plan also sets forth measures that demonstrate the Programs
12 proposed per-unit gross annual deemed savings, costs and potential incentives.¹¹ The
13 Program will record energy savings and peak load reductions from the incentive
14 applications processed. The Program encourages installation of CHP projects that
15 maximize operational savings and minimize operational and maintenance costs. It offers
16 incentives to customers who install CHP technologies to reduce facility energy use.

17 The Program offers custom incentives paid on a fixed per kWh basis (up to a set
18 amount) based on the projects' first year energy savings. PECO projects that the
19 Program will produce 135,002 MWh in energy savings over the course of the Plan. The
20 budget for the program is approximately \$14.9 million.¹²

⁹ *Id.*

¹⁰ *Id.* at 149.

¹¹ *Id.* at 151.

¹² PECO St. No. 1 (Jiruska) at 16.

1 **Q. IS COMVERGE WILLING TO PARTICIPATE IN THE DEVELOPMENT OF**
2 **CHP IN DUQUESNE'S SERVICE TERRITORY?**

3 A. Yes. Comverge's unique offering of a CHP cogeneration operation strategy can assist
4 Duquesne in meeting its Act 129 goals and objectives. Comverge can help Duquesne and
5 the regulators integrate the three programs of load management, energy efficiency, and
6 distributed generation into a cohesive model for customers. Comverge can elucidate a
7 business strategy through energy and load optimization to fill this void. Comverge is
8 working to actively pursue cogeneration as it is truly a distributed generation and energy
9 efficiency solution.

10 **Q. ARE THERE OTHER REASONS THAT SUPPORT THE DEVELOPMENT OF**
11 **CHP TECHNOLOGIES IN DUQUESNE'S SERVICE TERRITORY?**

12 A. Yes. The development of CHP technologies is in the public interest since CHP
13 technologies and opportunities will make a significant contribution to attainment of
14 Duquesne's energy savings goals under Act 129 by providing innovative ways to increase
15 energy efficiency and conserve energy. The following points and suggestions further
16 support the development of CHP technologies in the Duquesne service territory:

- 17 1. CHP systems have a higher degree of certainty in the hours of
18 operation, energy costs and savings over their lifetime. For
19 example, the CHP hours of operation can be continuous, thereby
20 allowing the estimated costs to be easier to define and manage.
21 Other referenced custom measures can be more impacted by
22 weather, occupancy levels, project load and non-energy benefits.
23 With CHP, any upfront capital investment can be recouped quicker
24 with the savings from the generation of on-site electricity.

- 1 2. Although CHP technologies can utilize a variety of fuels, most CHP
2 systems utilize natural gas. With the availability and abundance of
3 low-cost natural gas throughout the Marcellus Shale and Utica
4 Shale regions, the implementation of distributed generation with gas
5 makes financial, economic and environmental sense.¹³
- 6 3. CHP distributed on-site generation of electricity reduces
7 transmission and distribution losses, reduced grid congestion,
8 improves reliability, reduces base-load (presumably coal-fired)
9 generation requirements, reduces capacity requirements and
10 provides enhanced national security by becoming less dependent on
11 foreign oil. Since CHP is more efficient, less fuel is required to
12 produce a given energy output than with separate heat and power.
13 Higher efficiency translates into: lower operating costs, reduced
14 emissions of all pollutants, increased reliability and power quality,
15 reduced grid congestion and avoided distribution losses.¹⁴
- 16 4. To mitigate the risks of variable energy costs associated with the
17 implementation of CHP, the contractual parties can enter into long-
18 term power purchase agreements to lock in the costs.

¹³ See Anna Chittum and Nate Kaufman, *Challenges Facing Combined Heat and Power Today: A State-by-State Assessment*, American Council for an Energy-Efficient Economy, Report Number IE111, September 2011, at 21, 63, available at <http://www.uschpa.org/files/public/ie111.pdf>.

¹⁴ For more information regarding the benefits of CHP technologies and the differentiation between generation efficiency and on-site efficiency, see <http://www.epa.gov/chp/basic/efficiency.html>.

1 5. Duquesne should fully consider the societal impacts and benefits of
2 reducing the carbon footprint through implementation of CHP
3 projects, which help minimize externalities such as NOx (nitrous
4 oxide), SOx (sulfur oxide), and VOC (volatile organic compound)
5 emissions.¹⁵

6 6. Duquesne should further consider the numerous non-energy-related
7 benefits of implementing CHP projects, including comfort, health
8 and safety, aesthetics, financial savings, water savings, sustainable
9 job creation and economic development.¹⁶

10 **Q. DOES THIS COMPLETE YOUR TESTIMONY?**

11 **A. Yes.**

¹⁵ See Robin LeBaron, *Getting to Fair Cost-Effectiveness Testing Using the PAC Test, Best Practices for the TRC Test, and Beyond*, National Home Performance Council, September 19th, 2011, at 8-9, available at <http://www.nhpci.org/images/TRC.pdf>.

¹⁶ See *Id.* at 8-10.

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COMPANY FOR APPROVAL OF ITS ACT : Docket No. M-2012-2334399
129 PHASE II ENERGY EFFICIENCY AND :
CONSERVATION PLAN :

VERIFIED STATEMENT OF RAYMOND G. BERKEBILE

Raymond G. Berkebile, being duly sworn, states as follows:

1. I, Raymond G. Berkebile, am the Director of Professional Engineering for Comverge, Inc. ("Comverge") and am authorized to make the statements contained herein.
2. On behalf of Comverge, I have submitted Direct Testimony (marked as Comverge St. 1, containing nine (9) pages) in this proceeding.
3. This testimony was prepared by me or under my supervision or direction for purposes of this proceeding on behalf of Comverge.
4. I have no additional changes to Comverge St. 1 and certify that the testimony I have submitted is true and correct to the best of my information, knowledge and belief. If I were asked the same questions set forth in my testimony today, my answers would be the same.
5. I hereby state that the facts and representations set forth above are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsifications to authorities)


Raymond G. Berkebile