

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

May 19, 2014

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

RE: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
West Penn Power Company  
Docket No. C-2014-2417325

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in black ink that reads "Christy M. Appleby".

Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824

Enclosures

cc: Honorable Mary D. Long  
Certificate of Service

183337

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

v.

West Penn Power Company

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Docket No. C-2014-2417325

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NOTICE OF INTERVENTION

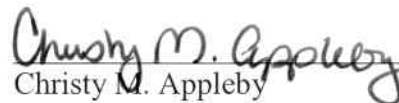
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Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Christy M. Appleby  
E-mail address: [cappleby@paoca.org](mailto:cappleby@paoca.org)  
Pa. Attorney Id. No. 85824  
Candis A. Tunilo  
E-mail address: [ctunilo@paoca.org](mailto:ctunilo@paoca.org)  
Pa. Attorney Id. No. 89891  
Assistant Consumer Advocates

Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Respectfully Submitted,

  
Christy M. Appleby  
Assistant Consumer Advocate  
Pa. Attorney Id. No. 85824

DATE: May 19, 2014  
183566.doc

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file an Intervention in the Complaint of the Bureau of Investigation and Enforcement (BI&E) against West Penn Power Company at Docket No. C-2014-2417325.

On March 20, 2014, the Pennsylvania Public Utility Commission issued an Order in the matter of Energy Efficiency and Conservation Program at Docket Nos. M-200802069887, M-2012-2289411 (March 20 Order). In its March 20 Order, the Commission reviewed the Statewide Evaluator's (SWE) Phase I Final Annual Report to determine whether the electric distribution companies (EDCs) are in compliance with the targets established at 66 Pa. C.S. §§ 2806.1(b), (c), and (d). March 20 Order at 2, 10. The Commission initially determined that West Penn was not in compliance with its 1% May 31, 2011 consumption reduction requirement pursuant to Section 2806.1(c)(1) of the Public Utility Code. The Commission ordered that the determination would become final unless a Petition contesting the determination was filed within twenty (20) days of the date of the order. The Commission ordered that BI&E would determine: (1) whether West Penn was in compliance with Section 2806.1(c) of the Public Utility Code and (2) whether West Penn should be subject to the penalties contained in Section 2806.1(f)(2) of the Public Utility Code. Id. at 10, Ordering ¶ 4. On April 21, 2014, BI&E filed its Complaint as directed by the Commission. In its Complaint, BI&E claims that West Penn Power violated Section 2806.1(c)(1) of the Public Utility Code by achieving only 43% of West Penn's 1%

consumption reduction requirement. BI&E requests that West Penn be ordered to pay a civil penalty in the amount of \$11.4 million pursuant to Section 2806.1(f)(2)(i) of the Public Utility Code. BI&E Complaint at 7-8.

The Consumer Advocate determined to intervene in this proceeding to protect the interests of West Penn's residential customers. The Consumer Advocate will seek to determine whether West Penn has violated Section 2806.1(c)(1) of the Public Utility Code. If West Penn has violated Section 2806.1(c)(1) of the Public Utility Code such that a penalty is warranted, the Consumer Advocate will seek to determine the amount of the penalty that should be assessed under Section 2806.1(f)(2)(i) of the Public Utility Code.

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v.  
West Penn Power Company  
Docket No. C-2014-2417325

I hereby certify that I have this day served a true copy of the foregoing, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 19th day of May 2014.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Scott B. Granger, Esq.  
Bureau of Investigation & Enforcement  
Pa. Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, P.O. Box 3265  
Harrisburg, PA 17105-3265

SERVICE BY E-MAIL and FIRST CLASS MAIL

John F. Povilaitis, Esq.  
Buchanan, Ingersoll & Rooney, P.C.  
409 North Second Street, Suite 500  
Harrisburg, PA 17101-1357

Kathy J. Kolich, Esq.  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44309

Daniel G. Asmus, Esq.  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Mr. Robert D. Knecht  
Industrial Economics Inc.  
2067 Massachusetts Avenue  
Cambridge, MA 02140

  
Candis A. Tunilo

Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: [ctunilo@paoca.org](mailto:ctunilo@paoca.org)  
Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
E-Mail: [cappleby@paoca.org](mailto:cappleby@paoca.org)

Counsel for  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
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