

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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Harrisburg, Pennsylvania 17101-1923
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800-684-6560 (in PA only)

ORIGINAL

IRWINA. POPOWSKY
Consumer Advocate

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

April 3, 2007

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

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2007 APR -3 PM 4:06
I.A. PUC
SECRETARY'S BUREAU

Re: Petition of PECO Energy Company for
Approval of (1) A Process to Procure Alternative
Energy Credits During the AEPS Banking Period
and (2) A Section 1307 Surcharge and Tariff to
recover AEPS Costs

Docket No. P-00072260

Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of the Answer of the Office of Consumer Advocate to the Petition of PECO Energy Company, in the above-referenced proceeding.

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

Sincerely,

Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044

BTL

Enclosures

cc: Chairman Wendell F. Holland,
Vice Chairman James H. Cawley
Commissioner Kim Pizzigrilli
Commissioner Terrance J. Fitzpatrick
Chief Administrative Law Judge
Office of Special Assistants
Parties of Record

00093347

47

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of (1) A Process to :
Procure Alternative Energy Credits : Docket No. P-00072260
During the AEPS Banking Period and :
(2) A Section 1307 Surcharge and :
Tariff to recover AEPS Costs :

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ANSWER OF THE
OFFICE OF CONSUMER ADVOCATE
TO THE PETITION OF
PECO ENERGY COMPANY

On March 19, 2007, PECO Energy Company (PECO or Company) filed a Petition seeking approval of a process to procure non-solar Tier I alternative energy credits pursuant to the Alternative Energy Portfolio Standards Act (AEPS Act) during its remaining generation rate cap period under the "banking provisions" of the AEPS Act. In addition, PECO requested approval of a Section 1307 surcharge for recovery of the cost of the alternative energy credits (AECs) that it procures during this period after the conclusion of its generation rate cap period. The Company is seeking expedited consideration of this Petition by the Commission with a Commission Order entered by September 13, 2007.

The OCA supports the concept contained in PECO's Petition that it will begin now to acquire non-solar Tier I alternative energy credits needed to meet the requirements of the AEPS Act at the end of its generation rate cap period. The OCA has recommended in many

proceedings that EDCs, such as PECO, plan for their needs as default service providers now and use market opportunities over many years to meet these obligations at the lowest reasonable cost. At the end of its generation rate cap, PECO will need to meet the requirements of the AEPS Act through securing sufficient alternative energy credits associated with these Tier I resources. Since development of such resources can take time, PECO's efforts to secure these resources now should enable the further development of resources, and should assist PECO in mitigating costs associated with meeting this obligation. It is also important to note that the AEPS Act encourages such early procurement of AECs by providing for the "banking" of AECs acquired during the generation rate cap period for use in the compliance years immediately following the expiration of the rate cap. 73 P.S. §1648.3(e)(7).

The OCA intends to continue to review the aspects of PECO's proposal and participate in any proceeding to consider the details of the proposal. From the OCA's preliminary review of the proposal, the OCA has identified some concerns that should be more thoroughly addressed in the proceeding. Of particular concern, PECO has sought approval of a separate Section 1307 surcharge mechanism in this proceeding to be implemented following the generation rate cap period. The OCA acknowledges that the AEPS Act calls for the recovery of the costs of alternative energy credits through an automatic energy adjustment clause under Section 1307 and does not dispute PECO's right to recover such costs. 73 P.S. §1648.3(a). Consideration of such a clause now, however, may be premature.

Currently, the Commission, through its default service rulemaking, is considering issues regarding the appropriate recovery mechanism for all default service costs, of which the AECs will be a part. If, for example, the Commission determines that the costs of supply for default service, whether for AEPS compliance costs or otherwise, are to be recovered through a

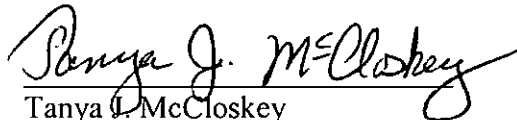
Section 1307 automatic adjustment mechanism, the separate mechanism proposed by PECO for the AECs would not be needed. Indeed, it would be confusing and counterproductive to have two separate reconcilable recovery mechanisms for AEPS and non-AEPS related costs. It would be more reasonable to take up the appropriate Section 1307 recovery mechanism for AEPS costs once the mechanism of all other default service cost recovery is known.

The OCA will continue its review of PECO's Petition and supporting materials to determine if there are other issues or concerns. Among other issues, the OCA intends to review in more detail are the proposed procurement process, including the request for proposals and the form purchase agreement, the carrying charge rate on any deferred costs, the banking proposal, and the volume and type of AECs proposed for procurement.

PECO has proposed an expedited litigation schedule for consideration of its Petition. The OCA will endeavor to work with the Company to develop a schedule that allows sufficient time for any necessary discovery and testimony. The OCA is also willing to work with the Company and other interested parties to address any issues through a settlement process.

WHEREFORE, the Office of Consumer Advocate is generally supportive of PECO's proposal but seeks to further review the details of the proposal and continue to work with the parties to resolve any issues that arise.

Respectfully Submitted,



Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org

Counsel for:
Irwin A. Popowsky
Consumer Advocate

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555 Walnut Street
5th Floor, Forum Place
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Phone: (717) 783-5048
Fax: (717) 783-7152

Dated: April 3, 2007
00093299

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CERTIFICATE OF SERVICE

Petition of PECO Energy Company :
for Approval of (1) A Process to :
Procure Alternative Energy Credits : Docket No. P-00072260
During the AEPS Banking Period and :
(2) A Section 1307 Surcharge and :
Tariff to recover AEPS Costs :

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SECRETARY'S BUREAU

I hereby certify that I have this day served a true copy of the foregoing document, the Answer of the Office of Consumer Advocate to the Petition of PECO Energy Company, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 3rd day of April 2007.

SERVICE E-MAIL and INTEROFFICE MAIL

Richard Mickens, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17105-3265

Shane Rooney
Law Bureau
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George Jugovic, Jr., Esquire
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John Hanger
Penn Future
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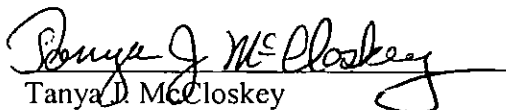
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PV Now
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Brent Alderfer
Community Energy/Iberdrola
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Radnor, PA 19087

Joseph Otis Minott, Esquire
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Philadelphia, PA 19103

Daniel Desmond
DEP-OETD
400 Market Street, 16th Floor
Harrisburg, PA 17105-2063



Tanya D. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org

Counsel for:
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Consumer Advocate
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IRWINA. POPOWSKY
Consumer Advocate

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consumer@paoca.org

April 3, 2007

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

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Re: Petition of PECO Energy Company for
Approval of (1) A Process to Procure Alternative
Energy Credits During the AEPS Banking Period
and (2) A Section 1307 Surcharge and Tariff to
recover AEPS Costs

Docket No. P-00072260

Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of the Notice of
Intervention and Public Statement of the Office of Consumer Advocate, in the above-referenced
proceeding.

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

Sincerely,

Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044

BTL

Enclosures

- cc: Chairman Wendell F. Holland
- Vice Chairman James H. Cawley
- Commissioner Kim Pizzigrilli
- Commissioner Terrance J. Fitzpatrick
- Chief Administrative Law Judge
- Office of Special Assistants
- Parties of Record

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Procure Alternative Energy Credits : Docket No. P-00072260
During the AEPS Banking Period and :
(2) A Section 1307 Surcharge and :
Tariff to recover AEPS Costs :

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:

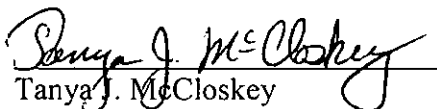
Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
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Respectfully Submitted,



Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org
Counsel for:
Irwin A. Popowsky
Consumer Advocate

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APR 04 2007

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: April 3, 2007
00093375

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

**DOCUMENT
FOLDER**

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention and Answer to participate in proceedings before the Commission involving the proposal by PECO Energy Company to procure alternative energy credits to meet its obligations under the Alternative Energy Portfolio Standards Act.

On March 19, 2007, PECO Energy Company (PECO or Company) filed a Petition seeking approval of a process to procure non-solar Tier I alternative energy credits pursuant to the Alternative Energy Portfolio Standards Act (AEPS Act) during its remaining generation rate cap period under the “banking provisions” of the AEPS Act. Under the AEPS Act, electric distribution companies will need to include specified percentages of alternative energy resources in the power that is supplied to customers. Among these resources are those defined as Tier I resources, which include such resources as wind energy, geothermal resources, and biomass resources. At the end of the generation rate cap period, at least 3.5% of PECO’s energy must be from such sources. During the generation rate cap period, PECO is permitted to acquire such resources and “bank” the credits for use at the expiration of the rate cap period. As part of its Petition, PECO has also requested approval of a Section 1307 surcharge for recovery of the cost of the alternative energy credits (AECs) that it procures during this period after the conclusion of its generation rate cap period.

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The OCA filed an Answer to PECO's Petition generally supportive of the concept contained in PECO's Petition that it will begin now to acquire non-solar Tier I alternative energy credits needed to meet the requirements of the AEPS Act at the end of its generation rate cap period. The OCA has recommended in many proceedings that EDCs, such as PECO, plan for their needs as default service providers now and use market opportunities over many years to meet these obligations at the lowest reasonable cost. Since development of alternative energy resources can take time, efforts to secure these resources now should enable the further development of resources, and should assist in mitigating costs associated with meeting this obligation. In its Answer, the OCA also identified concerns with the proposed cost recovery mechanism.

The Consumer Advocate has determined to participate in this proceeding to protect the interests of ratepayers. Since the costs of the alternative energy resources will be recovered from ratepayers, the Consumer Advocate will seek to ensure that the processes for procurement are reasonable, that any rate recovery mechanism is reasonable, and that any resulting rates are just and reasonable.

CERTIFICATE OF SERVICE

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

Dated this 3rd day of April 2007.

SERVICE E-MAIL and INTEROFFICE MAIL

Richard Mickens, Esquire Office of Trial Staff Pennsylvania Public Utility Commission 400 North Street Harrisburg, PA 17105-3265	Shane Rooney Law Bureau Pennsylvania Public Utility Commission 400 North Street Harrisburg, PA 17105-3265
--	---

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Sharon Webb Assistant Small Business Advocate Office of Small Business Advocate Commerce Building, Suite 1102 300 North Second Street Harrisburg, PA 17101	Richard P. Mather, Esquire Scott Perry, Esquire Department of Environmental Protection Rachel Carson State Office Building 400 Market Street – 9 th Floor Harrisburg, PA 17101-2301

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00093353



McNees Wallace & Nurick LLC
attorneys at law

ORIGINAL

CHARIS MINCAVAGE
DIRECT DIAL: (717) 237-5437
E-MAIL ADDRESS: CMINCAVAGE@MWN.COM

April 5, 2007

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
The Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA HAND DELIVERY

Re: Petition of PECO Energy for Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period, and (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs; Docket No. P-00072260


Dear Secretary McNulty:

Enclosed for filing with the Pennsylvania Public Utility Commission, please find the original and three (3) copies of the Petition to Intervene of Philadelphia Area Industrial Energy Users Group ("PAIEUG") in the above-referenced proceeding.

As indicated on the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this transmittal letter and Petition, and kindly return to us for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Charis Mincavage

Counsel to the Philadelphia Area
Industrial Users Group

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CM/bes

Enclosures

c: Chief Administrative Law Judge Veronica A. Smith (via hand delivery)
Certificate of Service

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PETITION OF PECO ENERGY COMPANY :
FOR APPROVAL OF (1) A PROCESS TO :
PROCURE ALTERNATIVE ENERGY :
CREDITS DURING THE AEPS BANKING : DOCKET NO. P-00072260
PERIOD AND (2) A SECTION 1307 :
SURCHARGE AND TARIFF TO RECOVER :
AEPS COSTS :

PETITION TO INTERVENE

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to the provisions of 52 Pa. Code §§ 5.71 - 5.74, the Philadelphia Area Industrial Energy Users Group ("PAIEUG") hereby files this Petition to Intervene in the above-captioned proceeding. In support thereof, PAIEUG states as follows:

1. Petitioner is the Philadelphia Area Industrial Energy Users Group ("PAIEUG").

The composition of PAIEUG at this point in time is attached hereto as Appendix "A." Appendix "A" will be updated as necessary during the course of this proceeding.

2. The names and address of Petitioner's attorneys are:

David M. Kleppinger
Charis Mincavage
McNEES WALLACE & NURICK LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 232-8000
Fax: (717) 260-1725

3. On March 19, 2007, PECO Energy Company ("PECO" or "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") a Petition ("Petition") for

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approval of the Company's voluntary procurement of non-solar Tier 1 Alternative Energy Credits ("AECs") under the banking provision of the Alternative Energy Portfolio Standards Act ("AEPS" or "Act 213"). As part of its Petition, PECO also seeks approval of its proposed Request For Proposal ("RFP") process that will be used by the Company to acquire these AECs during the banking period. PECO further requests Commission authorization to implement a Section 1307 surcharge to recover the costs of this procurement, pursuant to 73 Pa. C.S. 1648.1 et seq., and 66 Pa. C.S. §§ 1307 and 1308.

4. PAIEUG is an ad hoc group of energy-intensive customers receiving electric service from PECO under Rates HT (High Tension Power) and PD (Primary Distribution Power). PAIEUG members use substantial volumes of electricity in their manufacturing and operational processes, and these electric costs are a significant element of their respective costs of operation. Any modification to PECO's electric rates may impact PAIEUG members' cost of operations.

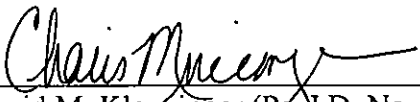
5. PECO's Petition proposes to recover the costs of this AEC procurement from ratepayers. Because this process may impact the rates paid by PAIEUG members, PAIEUG seeks to ensure that PECO's Petition provides for a just and reasonable process with respect to AEC procurement, recovery, and rates.

6. Accordingly, because the Commission's resolution of the issues in this proceeding could impact the rates, terms, or conditions under which PAIEUG members receive electricity service, PAIEUG has an interest in this proceeding that is not represented by any other party of record.

WHEREFORE, the Philadelphia Area Industrial Energy Users Group respectfully request that the Pennsylvania Public Utility Commission grant this Petition to Intervene and provide PAIEUG with full party status.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 
David M. Kleppinger (Pa. I.D. No. 32091)
Charis Mincavage (Pa. I.D. No. 82039)
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 232-8000
Fax: (717) 237-5300


Counsel to the Philadelphia Area Industrial
Energy Users Group

Dated: April 5, 2007

AFFIDAVIT


COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF DAUPHIN)

Charis Mincavage, being duly sworn according to law, deposes and says that she is counsel to the Philadelphia Area Industrial Energy Users Group, and that in this capacity she is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of her knowledge, information and belief.



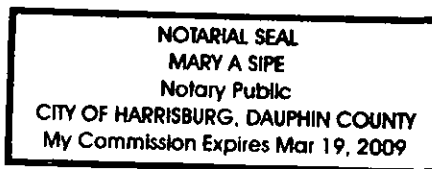
Charis Mincavage

SWORN TO and subscribed
before me this 5th day
of April, 2007.



Notary Public

(SEAL)



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SECRETARY'S BUREAU

APPENDIX "A"

PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP

Air Liquide Industrial U.S. LP
The Boeing Company
Buckeye Pipe Line Company, L.P.
ConocoPhillips Trainer Refinery
Franklin Mills Associates Limited Partnership
GlaxoSmithKline
Jefferson Health System
Kimberly-Clark Corporation
Merck & Co., Inc.
Rohm and Haas Company
Saint Joseph's University
Temple University

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL

Tanya McCloskey, Esq.
Office of Consumer Advocate
Forum Place, 5th Floor
555 Walnut Street
Harrisburg, PA 17101-1923

Adrian D. Newall, Esq.
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103

Shane Rooney, Esq.
Office of Law Bureau
Pennsylvania Public Utility Commission
The Commonwealth Keystone Building
400 North Street, 3rd Floor
Harrisburg, PA 17120

Richard Mickens, Esq.
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Assistant Small Business Advocate
Office of Small Business Advocate
Suite 1102, Commerce Bldg.
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Scott Perry, Esq.
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Daniel Clearfield, Esq.
Kevin Moody, Esq.
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Community Legal Services, Inc.
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George Jugovic, Jr., Esq.
PennFuture
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201 King of Prussia Road
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Daniel Desmond
DEP-OETD
400 Market St., 16th Fl.
Harrisburg, PA 17105-2063


Charis Mincavage

Dated this 5th day of April, 2007 in Harrisburg, Pennsylvania.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Petition of PECO Energy Company for :
Approval of (1) A Process to Procure :
Alternative Energy Credits During the : Docket No. P-00072260
AEPS Banking Period and (2) A Section :
1307 Surcharge and Tariff to Recover :
AEPS Costs :

**DOCUMENT
FOLDER**

NOTICE OF APPEARANCE

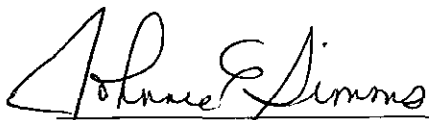
Please enter the appearance of the Office of Trial Staff of the Pennsylvania Public Utility Commission in the above-captioned proceeding. Prosecutor(s) for the Office of Trial Staff, in addition to the undersigned will be:

ROBERT V. ECKENROD, ESQUIRE
Pa. Public Utility Commission
Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265
roeckenrod@state.pa.us
(717) 787-1976

DOCKETED
APR 10 2007

On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter be addressed to Robert V. Eckenrod, Esquire.

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2007 APR -6 PM 2:20
P.U.C.
SECRETARY'S BUREAU


Johnnie E. Simms
Chief Prosecutor
PA Attorney I.D. #33911

Robert V. Eckenrod
PA Attorney I.D. #84889
Prosecutor for: Johnnie E. Simms
Office of Trial Staff.

BTL

Dated: April 6, 2007

44

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for :
Approval of (1) A Process to Procure :
Alternative Energy Credits During the : Docket No. P-00072260
AEPS Banking Period and (2) A Section :
1307 Surcharge and Tariff to Recover :
AEPS Costs :

SECRETARY'S BUREAU

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CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Notice of Appearance**,
dated April 6, 2007, either personally, by first class mail, electronic mail, express mail
and/or by fax upon the persons listed below:

Sharon Webb, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Dept of Environmental Protection
Rachel Carson State Office Bldg
400 Market Street 9th Floor
Harrisburg, PA 17101-2301

Tanya J. McCloskey, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
Harrisburg, Pa 17101-1923

George Jugovic, Jr., Esquire
PennFuture
425 Sixth Avenue Ste 2779
Pittsburg, PA 15219-1853

Adrian D. Newall, Esquire
Counsel for PECO Energy Company
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Philadelphia, PA 19103

Eric Epstein
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Harrisburg, PA 17112

Roger E. Clark
Sustainable Development Fund
718 Arch Street Ste 300 North
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John Hanger
PennFuture
610 N. Third Street
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Richard P. Mather, Esquire
Scott Perry, Esquire

Philip Bertocci, Esquire
Community Legal Services, Inc.
1424 Chestnut Street 4th Floor
Philadelphia, PA 19102

David M. Kleppinger, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick LLP
100 Pine Street
Harrisburg, PA 17108

Daniel Clearfield, Esquire
Kevin Moody, Esquire
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street 9th Floor
PO Box 865
Harrisburg, PA 17108-0865

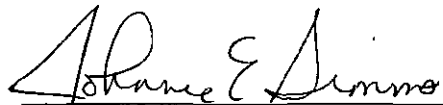
Paul E. Russell, Esquire
PP&L Services Corporation
Two North Ninth Street
Allentown, PA 18101

Maureen Mulligan
PV Now
33 Greening Life Lane
Shermans Dale, PA 17090

Joseph Otis Minott, Esquire
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Brent Alderfer
Community Energy/Iberdrola
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Daniel Desmond
DEP-OETD
400 Market Street 16th Floor
Harrisburg, PA 17105-2063



Johnnie E. Simms
Chief Prosecutor
Office of Trial Staff
PA Attorney I.D. #33911

Dated: April 6, 2007
Docket No. P-00072260



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 9, 2007

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

Re: Petition of PECO Energy Company for Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period and (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs

Docket No. P-00072260

Dear Secretary McNulty:

Enclosed for filing, please find an original and three (3) copies of the **Answer of the Office of Trial Staff** in the above-captioned proceeding.

As evidenced by the attached Certificate of Service, copies are being served on all parties who were served copies of the Petition.

If you have any questions, please contact me at (717) 787-1976.

**DOCUMENT
FOLDER**

Sincerely,

Robert V. Eckenrod
Prosecutor
Office of Trial Staff
PA Attorney I.D. #84889

Enclosure
RVE/clp

cc: Parties of Record
Chairman Holland
Vice-Chairman Cawley
Commissioner Pizzigrilli
Commissioner Fitzpatrick
Chief Counsel Pankiw
Director Walker-Davis

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of PECO Energy Company :
For Approval of (1) A Process to Procure :
Alternative Energy Credits During the :
AEPS Banking Period and (2) A Section : Docket No. P-00072260
1307 Surcharge and Tariff to Recover :
AEPS Costs :

DOCUMENT
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Office of Trial Staff Answer
To Petition of PECO Energy Company

DOCKETED
APR 9 - 2007

The Office of Trial Staff (“OTS”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its Prosecutor, Robert V. Eckenrod, hereby files this Answer to PECO Energy Company’s (“PECO” or “Company”) Petition for Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period and (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs (“Petition”).

I. Introduction¹

On March 19, 2007, PECO filed a Petition seeking approval of a process to procure non-solar Tier I alternative energy credits pursuant to the Alternative Energy Portfolio Standards Act of 2004, 73 Pa. C.S. §§ 1648.1 *et seq.* (“AEPS Act” or “Act 213”), during its remaining generation rate cap period pursuant to the so-called “banking provisions” of that Act. Additionally, PECO requested approval of a Section 1307 surcharge (relating to automatic rate adjustments) for recovery of the cost of the alternative energy credits that it procures during this period after the conclusion of its

¹ In accordance with the Commission’s revised procedural rules regarding Answers to Petitions, this Answer utilizes a narrative response, as opposed to a numbered paragraph response previously required by those rules. *See* 52 Pa. Code § 5.61(e).

generation rate cap period. According to the Company's Petition, it is seeking expedited resolution of this matter, preferably on or before September 13, 2007.

By way of background, generally, Act 213 requires a certain increasing percentage of electricity sold in the Commonwealth to retail customers by Electric Distribution Companies ("EDCs") and Electric Generation Suppliers ("EGSs") must be derived from alternative energy sources, further defined in the Act. Compliance with the provisions of the Act is measured using alternative energy credits, which is equal to one megawatt hour of qualified alternative energy generation. These credits may be purchased, traded and/or owned separately from the underlying energy that generates the credit.

Pertinent to this proceeding in particular, Act 213 provides for an exemption period (the "Cost Recovery Period"), during which time the EDC is exempted from adhering to requirements of Act 213, which is associated with an EDC's transition period (as established pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §§ 2801 *et seq.*). Should the EDC acquire alternative energy credits during its Cost Recovery Period, Act 213 allows the EDC to "bank" these credits against future Act 213 compliance. In fact, Act 213 encourages the EDCs to take steps during their Cost Recovery Periods to satisfy future requirements. Finally, Act 213 allows EDCs to fully recover all AEPS-related costs for generation from alternative energy sources and/or AECs from their retail customers.

Thus, at the end of its generation rate cap, PECO will need to meet the requirements of Act 213 through securing sufficient alternative energy credits associated with Tier I resources (e.g., wind, geothermal, biomass). According to PECO, for retail

default service generation sales between January 1, 2011 and May 31, 2011, PECO will be required to procure AECs from Tier I resources equal to three percent of the electricity sold by PECO to retail customers in Pennsylvania, with .0203% of those Tier I sales met with AECs derived from solar photovoltaic (PV) or solar thermal resources. These Tier I resource requirements increase to 3.5% on June 1, 2011, and continue to increase annually, up to 8%, until 2020.

In an effort to assist PECO in meeting its future AEC requirements, PECO has indicated that, upon approval of its Petition, it will solicit bids for a five-year annual supply of up to 450,000 non-solar, Tier I AECs from facilities qualified as "Alternative Energy Systems." The first procurement, to occur in 2007, will solicit contracts to deliver up to 250,000 AEC's annually; the second procurement to occur in 2008, will solicit contracts for the remaining AEC's. To compensate PECO for obtaining AEC's in accordance with Act 213, it has proposed the establishment of a separate, reconcilable Section 1307 surcharge mechanism, effective after December 21, 2010.

II. Discussion

Conceptually, and in general, PECO's proposal appears to be sound and in accordance with the policy of Act 213 by taking advantage of reasonable procurement opportunities that are present during its exemption period, rather than waiting until that period expires. That being said, however, there are many details that OTS has identified with respect to PECO's proposal that must be addressed in the context of a formal proceeding. Of particular concern to OTS is PECO's proposal to establish a separate Section 1307 surcharge mechanism which, in light of the Commission's default service

rulemaking (and consideration of whether all costs of default service should be recovered under a single rate mechanism) may be premature. Moreover, while it is undisputed that Act 213 allows PECO to recover the costs of alternate energy credits through an automatic energy adjustment clause, consideration must be given as to what are considered “appropriate” procurement costs, and whether such costs are justly and reasonably incurred. Also, in calculating any approved surcharge, the assumptions utilized in that calculation must be examined for compliance with Act 213 requirements and public utility ratemaking methodology. In sum, there are many details of PECO’s proposal that go beyond the Petition that must be examined further to ensure compliance with Act 213, and Public Utility Code, mandates and policy.

Finally, given that PECO’s proposal is unique and the first of its kind, Commission action in this proceeding may likely set the standard for future filings of this nature. Given the import of such action, an expedited proceeding, while beneficial to the Company, is simply not in the public interest and OTS would propose the development of a schedule that allows reasonable and sufficient time for necessary discovery and testimony.

III. Conclusion

WHEREFORE, the Office of Trial Staff respectfully requests that the Commission institute a proceeding that allows interested parties a reasonable opportunity to further review the details of PECO's proposal.

Respectfully submitted,



Robert V. Eckenrod
Prosecutor
Attorney I.D. No. 84889

Office of Trial Staff
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265
(717) 783-6155

Dated: April 9, 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of PECO Energy Company for :
Approval of (1) A Process to Procure :
Alternative Energy Credits During the : Docket No. P-00072260
AEPS Banking Period and (2) A Section :
1307 Surcharge and Tariff to Recover :
AEPS Costs :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Answer**, dated April 9,
2007, either personally, by first class mail, electronic mail, express mail and/or by fax
upon the persons listed below:

Sharon Webb, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Tanya J. McCloskey, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
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Counsel for PECO Energy Company
2301 Market Street S23-1
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Daniel Desmond
DEP-OETD
400 Market Street 16th Floor
Harrisburg, PA 17105-2063



Robert V. Eckenrod
Prosecutor
Office of Trial Staff
PA Attorney I.D. #84889

Dated: April 9, 2007
Docket No. P-00072260



OFFICE OF SMALL BUSINESS ADVOCATE
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

ORIGINAL

William R. Lloyd, Jr.
Small Business Advocate

(717) 783-2525
(717) 783-2831 (FAX)

April 9, 2007

HAND DELIVERED

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P. O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT ORIGINAL
FOLDER**

**Re: Petition of PECO Energy Company for Approval of (1) A Process to Procure
Alternative Energy Credits During the AEPS Banking Period and (2) A
Section 1307 Surcharge and Tariff to Recover AEPS Costs
Docket No. P-00072260**

Dear Secretary McNulty:

I am delivering for filing today the original plus three copies of the Answer of the Office of Small Business Advocate to PECO Energy Company's Petition, Verification, Notice of Intervention, Public Statement, and Notices of Appearance, on behalf of the Small Business Advocate in the above-captioned matter.

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,

Lauren M. Lepkoski
Assistant Small Business Advocate
Attorney ID No. 94800

Enclosures

cc: Hon. Veronica Smith

Parties of Record

SECRETARY'S BUREAU
2007 APR -9 PM 3:25
INTERFILING
59

ORIGINAL

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2007 APR -9 PM 3:25
SECRETARY'S BUREAU

Petition of PECO Energy Company :
For Approval of (1) a Process to Procure :
Alternative Energy Credits During the :
AEPS Banking Period and (2) a Section :
1307 Surcharge and Tariff to Recover :
AEPS Costs :

Docket No. P-00072260

**DOCUMENT
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**ANSWER OF THE
OFFICE OF SMALL BUSINESS ADVOCATE
TO PECO ENERGY COMPANY'S PETITION**

On March 19, 2007, PECO Energy Company ("PECO" or "Company") filed with the Pennsylvania Public Utility Commission ("Commission") a Petition for Approval of (1) a Process to Procure Alternative Energy Credits During the AEPS Banking Period and (2) a Section 1307 Surcharge and Tariff to Recover AEPS Costs ("Petition"). In accordance with 52 Pa. Code § 5.61, the Office of Small Business Advocate ("OSBA") hereby answers the Petition as follows.

By way of explanation, only a portion of PECO's Petition contains numbered paragraphs. Specifically, there are two un-numbered paragraphs which precede the numbered paragraphs in PECO's Petition. The OSBA has formatted its Answer by referring to the first two paragraphs as un-numbered paragraphs 1 and 2. Subsequently, for that portion of PECO's Petition which contains numbered paragraphs, the OSBA's Answer follows the numbering configuration on the Company's Petition.

ANSWER

Response to the Un-numbered Introductory Paragraphs

Paragraph 1 on Page 1. The averments of this paragraph constitute a prayer for relief to which no response is required, and therefore they are denied.

Paragraph 1 on Page 2. The averments of this paragraph constitute a prayer for relief to which no response is required, and therefore they are denied.

Response to the Numbered Paragraphs

Paragraph 1. It is admitted that PECO is certificated to serve electric and natural gas customers. However, the OSBA is without sufficient first-hand knowledge or information to form a belief concerning the truth of the factual averments in the second sentence of paragraph 1. If and to the extent that a response is required, those averments are denied and strict proof thereof is demanded.

Paragraph 2. The averments of paragraph 2 are conclusions of law to which no response is required.

Paragraph 3. The averments of paragraph 3 are conclusions of law to which no response is required.

Paragraph 4. The averments of paragraph 4 are conclusions of law to which no response is required.

Paragraph 5. The averments of paragraph 5 are conclusions of law to which no response is required.

Paragraph 6. The averments of paragraph 6 are conclusions of law to which no response is required.

Paragraph 7. The OSBA is without sufficient first-hand knowledge or information to form a belief concerning the truth of the averments of paragraph 7 regarding PECO's intentions and PECO's future involvement in the Commission's rulemaking process. If and to the extent that a response is required, those averments are denied and strict proof thereof is demanded.

Paragraph 8. The OSBA is without sufficient first-hand knowledge or information to form a belief concerning the truth of the averments of paragraph 8. If and to the extent that a response is required, the averments are denied and strict proof thereof is demanded.

Paragraph 9. The averments of paragraph 9 are a summary of the request for relief to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 10. The averments of paragraph 10 are a summary of the request for relief and conclusions of law to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 11. The averments of paragraph 11 are a summary of the request for relief to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 12. The averments of paragraph 12 make reference to documents, which as writings, speak for themselves and therefore no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 13. The averments of paragraph 13 make reference to a document, which as a writing, speaks for itself and therefore no response is required. By way of

further response, the averments of paragraph 13 are also a summary of the request for relief to which no response is required. If and to the extent a response is required, the averments are denied.

Paragraph 14. The averments of paragraph 14 make reference to documents, which as writings, speak for themselves and therefore no response is required. By way of further response, the averments of paragraph 14 are also a summary of the request for relief to which no response is required. If and to the extent a response is required, the averments are denied.

Paragraph 15. The averments of paragraph 15 appear to be a summary of the material contained in a document, which as a writing, speaks for itself and therefore no response is required. By way of further response, the averments of paragraph 15 are also a summary of the request for relief to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 16. The averments of paragraph 16 are conclusions of law to which no response is required.

Paragraph 17. The averments of paragraph 17 appear to be a summary of the material contained in a document, which as a writing, speaks for itself and therefore no response is required.

Paragraph 18. The averments of paragraph 18 appear to be a summary of the material contained in a document, which as a writing, speaks for itself and therefore no response is required.

Paragraph 19. The averments of paragraph 19 are a summary of the request for relief to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 20. The averments of paragraph 20 include a summary of the material contained in a document, which as a writing, speaks for itself and therefore no response is required. By way of further response, the averments of paragraph 20 also include a summary of the request for relief and conclusions of law to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 21. The averments of paragraph 21 are a summary of the request for relief and conclusions of law to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 22. The averments of paragraph 22 appear to be a summary of the material contained in a document, which as a writing, speaks for itself and therefore no response is required. By way of further response, the averments of paragraph 22 are also a summary of the request for relief and conclusions of law to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 23. The averments of paragraph 23 are a summary of the request for relief and conclusions of law to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 24. The averments of paragraph 24 are a proposed schedule for testimony, hearings, briefing, and decision. The proposed schedule includes a prehearing conference prior to the deadline for filing an Answer to PECO's Petition. Therefore, the OSBA objects to the proposed schedule. However, the OSBA is willing to work with the

Office of Administrative Law Judge (“OALJ”), PECO, and the other parties to establish an acceptable schedule.

Paragraph 25. The averments of paragraph 25 are a summary of the request for relief to which no response is required. If and to the extent that a response is required, the averments are denied.

Paragraph 26. The averments of paragraph 26 reference an exhibit, which as a writing, speaks for itself and therefore no response is required. The OSBA is without sufficient first-hand knowledge or information to form a belief concerning PECO’s intentions to provide notice through a bill insert. If and to the extent that a response is required, the averments are denied and strict proof thereof is demanded.

NEW MATTER

Paragraph 27. The first clause of the Petition’s Prayer for Relief seeks a Commission determination that PECO’s proposed solicitations will result in “reasonable prices” for alternative energy credits (“AECs”) under the act of November 30, 2004 (P.L. 1672, No. 213) (“Act 213”), thereby warranting recovery through a surcharge under Section 1307 of the Public Utility Code, 66 Pa. C.S. § 1307. However, because PECO’s Petition is the first proposal for advance procurement and banking, there is no basis on which the Commission can conclude that there will be sufficient competitive bidders to yield “reasonable prices.” Obtaining reasonably-priced AECs for the first year after the expiration of PECO’s generation rate cap is especially important, in view of the Commission’s desire to mitigate potential rate shock. Therefore, at a minimum, the Commission should establish a maximum acceptable bid price and require PECO either to reject all bids above that price or to forgo recovery of any amounts paid for AECs

above that price. In the absence of a maximum acceptable bid price, the Commission should defer a decision on the reasonableness of the bid prices until after a prudence review in a Section 1307 proceeding.

Paragraph 28. The second clause of the Petition's Prayer for Relief seeks a Commission determination that PECO will be permitted to bank *all* AECs obtained under the Company's advance procurement plan. However, it is uncertain that *all* AECs purchased by PECO will qualify for banking. Specifically, paragraph 16 of the Petition cites Section 3(e)(7) of Act 213 as the legal authority for banking the AECs to be purchased during a generation rate cap period. Section 3(e)(7) provides that an electric distribution company ("EDC") "may bank credits for retail *sales* of electricity generated from Tier I . . . sources *made* prior to the end of the cost-recovery [*i.e.*, the rate cap] period." (emphasis added) That language implies that, to qualify for banking, the AECs purchased by PECO must be associated with electricity sold by PECO during the rate cap period. Because PECO will not be obtaining title to the underlying electricity (Petition, Paragraph 11), PECO will not be selling that electricity at retail and, as a result, the associated AECs may not qualify for banking under Section 3(e)(7).

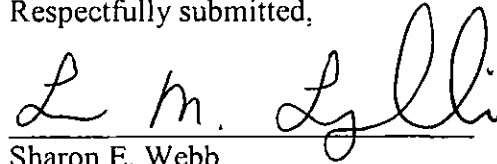
Paragraph 29. The fifth clause of the Petition's Prayer for Relief seeks a Commission determination that PECO will be permitted to recover the costs of the banked AECs in a one-year period commencing January 1, 2011. However, PECO proposes to use the banked AECs during a two-year period beginning on or after January 1, 2011, and ending on or before May 31, 2013. (Petition, Paragraph 6) As a result, PECO's Price To Compare in 2011 will exceed the aggregate cost of the default service electricity plus the cost of the AECs actually utilized in 2011. Conversely, PECO's Price

To Compare in 2012 will be less than the aggregate cost of the default service electricity plus the cost of the AECs actually utilized in 2012. This distortion in the Price To Compare may be unavoidable, in that Section 3(a)(3) of Act 213 provides for recovery, in the first year after the end of a rate cap, of the costs of the AECs acquired and banked during the rate cap period. Nevertheless, the Commission should explore possible ways to mitigate this distortion in order to mitigate the possible adverse effect on shopping.

Paragraph 30. PECO is proposing to recover the costs of the banked AECs through a flat per kWh surcharge which will not vary by customer class. (Petition, Paragraph 22) It is unclear whether the cost of any additional AECs needed for 2011 and 2012 will be recovered from ratepayers under the same surcharge mechanism or will be recovered as part of the rate for full requirements default service. It is also unclear whether, if there is significantly more shopping by Large Commercial and Industrial (“Large C&I”) customers than by Small Commercial and Industrial (“Small C&I”) customers, there will be an after-the-fact increase in the surcharge for Small C&I customers to make up for a shortfall in recovery from Large C&I customers. Therefore, the Commission should explore whether PECO’s proposal will result in interclass subsidization and order modifications, as necessary, to eliminate such cross-subsidization.

WHEREFORE, the OSBA respectfully requests that the Commission assign PECO's Petition to the OALJ for hearings and the development of a record and Recommended Decision.

Respectfully submitted,



Sharon E. Webb
Assistant Small Business Advocate
Attorney I.D. No. 73995

Lauren M. Lepkoski
Assistant Small Business Advocate
Attorney I.D. No. 94800

For:

William R. Lloyd, Jr.
Small Business Advocate
Attorney I.D. No. 16452

Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831

Dated: April 9, 2007

VERIFICATION

I, William R. Lloyd, Jr. hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: April 9, 2007

William R. Lloyd, Jr.
(Signature)

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2007 APR -9 PM 3:25

IN THE
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
For Approval of (1) A Process to Procure :
Alternative Energy Credits During the AEPS : Docket No. P-00072260
Banking Period And (2) A Section 1307 :
Surcharge and Tariff to Recover AEPS Costs :

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Office of
Small Business Advocate
Notice of Intervention

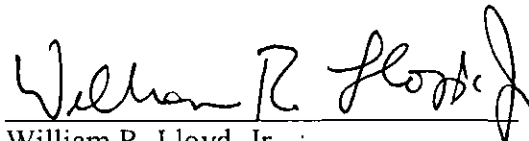
The Office of Small Business Advocate, an agency of the Commonwealth authorized by the Small Business Advocate Act (Act 181 of 1988, 73. P.S. §§399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission, files this Notice of Intervention in this proceeding pursuant to the provisions of 52 Pa. Code §5.71(a)(1).

Representing the Office of Small Business Advocate in this proceeding are:

Sharon E. Webb, Esquire
Lauren M. Lepkoski, Esquire
Office of Small Business Advocate
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APR 10 2007



William R. Lloyd, Jr.
Small Business Advocate
Attorney I.D. No. 16452

Date: April 9, 2007

**PUBLIC STATEMENT OF
SMALL BUSINESS ADVOCATE
CONCERNING THE INTEREST
OF SMALL BUSINESS CONSUMERS TO BE PROTECTED BY
THE FILING OF AN ANSWER AND INTERVENTION IN THE PETITION OF
PECO ENERGY COMPANY FOR APPROVAL OF (1) A PROCESS TO PROCURE
ALTERNATIVE ENERGY CREDITS DURING THE AEPS BANKING PERIOD AND (2)
A SECTION 1307 SURCHARGE AND TARIFF TO RECOVER AEPS COSTS
AT DOCKET NO. P-00072260**

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 stating 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 Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of an Answer to the Petition of PECO Energy Company (“PECO”) for expedited approval of its plan to procure alternative energy credits (“AECs”) prior to the termination of PECO’s generation rate cap and to recover the associated costs through a Section 1307(f) surcharge.

The Small Business Advocate is filing an Answer to PECO’s Petition to protect the interests of PECO’s small business customers. A thorough inquiry by the Commission into all elements of the filing must be conducted to ensure that the resulting rates are lawful, just, reasonable, and nondiscriminatory. Such an inquiry is especially critical in view of the fact that PECO’s Petition raises many issues of first impression. The Small Business Advocate will participate in this proceeding to the extent necessary to identify and advance any issues that are important to small business consumers.

Dated: April 9, 2007

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF :
(1) A PROCESS TO PROCURE :
ALTERNATIVE ENERGY CREDITS : DOCKET NO. P-00072260
DURING THE AEPS BANKING PERIOD :
AND (2) A SECTION 1307 SURCHARGE :
AND TARIFF TO RECOVER :
AEPS COSTS :

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NOTICE OF APPEARANCE

The Office of Small Business Advocate, pursuant to 52 Pa. Code § 1.24, hereby enters the appearance of **Sharon E. Webb** in the above captioned proceeding.

Documents in this proceeding should continue to be served on the following.

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APR 10 2007

Dated: April 9, 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF :
(1) A PROCESS TO PROCURE :
ALTERNATIVE ENERGY CREDITS : DOCKET NO. P-00072260
DURING THE AEPS BANKING PERIOD :
AND (2) A SECTION 1307 SURCHARGE :
AND TARIFF TO RECOVER :
AEPS COSTS :

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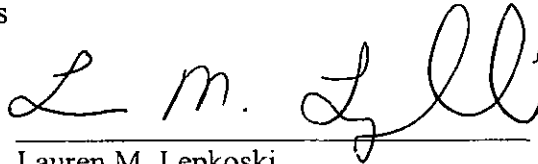
NOTICE OF APPEARANCE

The Office of Small Business Advocate, pursuant to 52 Pa. Code § 1.24, hereby enters the appearance of **Lauren M. Lepkoski** in the above captioned proceeding.

Documents in this proceeding should continue to be served on the following.

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Dated: April 9, 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for Approval :
of (1) A Process to Procure Alternative Energy :
Credits during the AEPS Banking Period and : DOCKET NO. P-00072260
(2) A Section 1307 Surcharge and Tariff :
to Recover AEPS Costs :

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Answer of the Office of Small Business Advocate to PECO Energy Company's Petition, Verification, Notice of Intervention, Public Statement, and Notices of Appearance, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding, by e-mail and first class mail (unless otherwise indicated) upon the persons addressed below:

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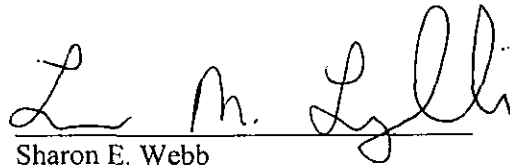
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Date: April 9, 2007



Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

DATE: April 9, 2007

SUBJECT: P-00072260

TO: Law Bureau

FROM: James J. McNulty, Secretary *KB*

PECO Energy Company

Attached is a copy of a Petition to Intervene, filed by Philadelphia Area Industrial Energy Users Group in connection with the above docketed proceeding.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: FUS
OTS
CEEP

ksb

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