



COMMONWEALTH OF PENNSYLVANIA

March 9, 2016

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 to Establish
and Implement a Distribution System Improvement Charge
Docket No. P-2015-2508931**

Dear Secretary Chiavetta:

Enclosed for filing please find the Notice of Appearance, Notice of Intervention, Answer, Public Statement, Verification, and Certificate of Service on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

Copies have been served today on all known parties in this proceeding, as indicated on the enclosed Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Daniel G. Asmus".

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

Enclosures

cc: The Honorable Charles E. Rainey, Jr.
Parties of Record
Brian Kalcic

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power :
Company for Approval to Establish and : **Docket No. P-2015-2508931**
Implement a Distribution System :
Improvement Charge

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

1. The Intervenor is:

John R. Evans
Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

2. The name and address of the Intervenor's attorney is:

Daniel G. Asmus
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
dasmus@pa.gov

3. The respondent utility is:

Pennsylvania Power Company
800 Cabin Hill Drive
Greensburg, PA 15601

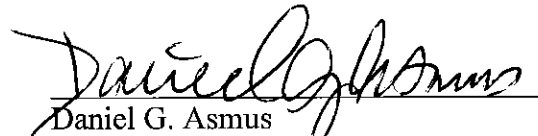
4. The Intervenor is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission ("Commission").

5. This Intervention is filed regarding the Petition of Pennsylvania Power Company for Approval to Establish and Implement a Distribution System Improvement Charge (“Petition”) that was filed with the Commission on February 16, 2016.

6. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to holding hearings on the *Petition* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,


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

Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: March 9, 2016

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power :
Company for Approval to Establish and : **Docket No. P-2015-2508931**
Implement a Distribution System :
Improvement Charge :

**ANSWER OF THE OFFICE OF SMALL BUSINESS ADVOCATE
TO THE PETITION OF PENNSYLVANIA POWER COMPANY
FOR APPROVAL TO ESTABLISH AND IMPLEMENT
A DISTRIBUTION SYSTEM IMPROVEMENT CHARGE**

Procedural History

On or about February 16, 2016, Pennsylvania Power Company (“Penn Power” or “the Company”) filed a Petition of Pennsylvania Power Company for Approval to Establish and Implement a Distribution System Improvement Charge (“Petition”) with the Pennsylvania Public Utility Commission (“Commission”) pursuant to 66 Pa. C.S. § 1353(b).

The Office of Small Business Advocate filed a Notice of Intervention and Public Statement on March 9, 2016.

The Office of Small Business Advocate files the following Answer in response to the corresponding numbered averments in the Company’s Petition.

ANSWER

The averments in the first paragraph at the beginning of the Petition constitute a prayer for relief. Therefore, no response to these averments is required.

I. INTRODUCTION AND BACKGROUND

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

II. PENN POWER'S LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN ("LTIP" OR THE "PLAN")

5. Admitted. By way of further answer, Section 1352(a) of the Public Utility Code, referenced in this paragraph, being a writing, speaks for itself and no response is required.

6. It is admitted that on October 19, 2015, Penn Power filed its LTIP for the period 2016 through 2020, and that a copy of that LTIP is provided with the Petition as Penn Power Exhibit KMS-1. The remaining averments of this paragraph are conclusions of law to which no response is required.

7. The averments in this paragraph constitute a prayer for relief, to which no response is required.

8. It is admitted the Commission, in its final order entered February 11, 2016, at this docket, approved Penn Power's LTIP.

III. SECTION 1353(B) AND THE FINAL IMPLEMENTATION ORDER

9. The averments of this paragraph cite to section 1353(b) of the Public Utility Code, which, being a writing, speaks for itself and therefore, no response is required.

10. The averments of this paragraph cite to the Commission's *Final Implementation Order* section 1353(b) of the Public Utility Code, which, being a writing, speaks for itself and therefore, no response is required.

IV. PENN POWER'S REQUEST TO ESTABLISH A DSIC SATISFIES ALL OF THE REQUIREMENTS SET FORTH IN SECTION 1353(B) AND THE FINAL IMPLEMENTATION ORDER

A. Initial Tariff (Section 1353(b)(1))

11. The averments of this paragraph constitute a prayer for relief, to which no response is required.

B. Testimony, Affidavits, Exhibits or Other Evidence (Section 1353 (b)(2))

12. The averments of this paragraph cite to the Direct Testimony and accompanying exhibits of witness Kevin M. Siedt. This testimony, being a writing, speaks for itself and therefore, no response is required. Further, the contents of this testimony constitute a prayer for relief, to which no response is required.

C. Penn Power's LTIP (Section 1353(b)(3))

13. The averments of this paragraph reference Penn Power's LTIP, which, being a writing, speaks for itself and therefore, no response is required.

D. Certification That a Base Rate Case Has Been filed Within Five Years (Section 1353(b)(4))

14. The averments of this paragraph describe the procedural history of Penn Power's last base rate case and certify that Penn Power has filed a base rate case within five years of the

filing of this Petition, which is required by Section 1353(b)(4) of the Public Utility Code and therefore, constitutes a prayer for relief to which no response is required.

V. NOTICE TO CUSTOMERS

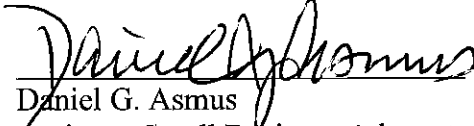
15. The averments of this paragraph constitute a prayer for relief to which no response is required.

16. The averments of this paragraph constitute a prayer for relief to which no response is required. Further, to the extent that this paragraph quotes the Final Implementation Order, that document, being a writing, speaks for itself and therefore, no response is required.

VI. CONCLUSION

The averments of this paragraph constitute a prayer for relief and conclusions of law to which no response is required.

WHEREFORE, the OSBA respectfully requests that the Commission refer the Company's Petition to the Office of Administrative Law Judge for hearings and the preparation of an initial decision.


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

For:
John R. Evans.
Small Business Advocate

Office of Small Business Advocate
300 North Third Street, Suite 202
Harrisburg, PA 17101
717-783-2525
717-783-2831 (fax)

March 9, 2016

VERIFICATION

I, Daniel G. Asmus, 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: March 9, 2016



(Signature)

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power :
Company for Approval to Establish and : **Docket No. P-2015-2508931**
Implement a Distribution System :
Improvement Charge :

**PUBLIC STATEMENT
OF THE 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 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement setting forth concisely the specific interest of small business consumers to be protected by his 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 Small Business Advocate’s intervention in the above-captioned Commission proceedings.

On February 16, 2016, Pennsylvania Power Company (“Penn Power ”), filed a Petition for approval to establish and implement a distribution system improvement charge, initiating the above-captioned proceeding.

The Small Business Advocate is intervening in the above-captioned proceeding in order to protect the interests of Penn Power’s small business customers. A thorough inquiry by the Commission into all of the elements of Penn Power’s petition is necessary to ensure that Penn Power’s proposals for making and paying for distribution system improvements are in accord with the Public Utility Code and with the Commission’s regulations and policies.

In view of the foregoing, the Small Business Advocate is requesting that the petition be subject to investigation and evidentiary hearings before the Commission. The Small Business Advocate will ask the Commission to deny or modify any aspect of the Penn Power's proposal that is not proven by Penn Power to be in accord with the Public Utility Code and with the Commission's regulations and policies.

Dated: March 9, 2016

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power Company :
for Approval of its Long-Term : Docket No. P-2015-2508931
Infrastructure Improvement Plan :

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or first-class mail (unless other noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey, Jr.
Chief Administrative Law Judge
PA Public Utility Commission
400 North Street, 2nd Floor West
Commonwealth Keystone Building
Harrisburg, PA 17120
crainey@pa.gov
(E-mail and Hand Delivery)

Tanya J. McCloskey, Esquire
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street - 5th Floor
Harrisburg, PA 17101-1923
tmccloskey@paoca.org
(E-mail and Hand Delivery)

Johnnie E. Simms, Esquire
Director and Chief Prosecutor
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265
josimms@pa.gov
(E-mail and Hand Delivery)

Jack Munsch, Esquire
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
jmunsch@firstenergycorp.com
(Email and US mail)

David J. Dulick, Esquire
Pennsylvania Rural Electric Association
Allegheny Electric Cooperative, Inc.
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266
(Email and US mail)

Charis Mincavage, Esquire
Vasiliki Karandrikas, Esquire
Teresa K. Schmittberger, Esquire
Alessandra L. Hylander, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com
vkandrikas@mwn.com
tschmittberger@mwn.com
ahylander@mwn.com
(Email and US mail)

Thomas J. Sniscak, Esquire
William E. Lehman, Esquire
Hawke McKeon & Sniscak, LLP
100 North 10th Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
welehman@hmslegal.com
(Email and US mail)

Scott J. Rubin, Esquire
333 Oak Lane
Bloomsburg, PA 17815-2036
scott.j.rubin@gmail.com
(Email and US mail)

Thomas T. Niesen, Esquire
Thomas, Niesen & Thomas
212 Locust Street, Suite 600
Harrisburg, PA 17101
tniesen@tntlawfirm.com
(Email and US mail)

Charles E. Thomas, III, Esquire
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101
cet3@tntlawfirm.com
(Email and US mail)

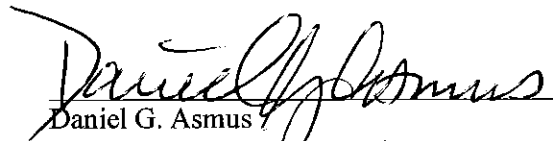
Michael Panfil
John Finnigan
Environmental Defense Fund
1875 Connecticut Avenue, NW
Washington, DC 20009
mpanfil@edf.org
jfinnigan@edf.org
(Email and US mail)

Heather Langeland, Esquire
200 First Avenue, Suite 200
Pittsburgh, PA 15222
langeland@pennfuture.org
(Email and US mail)

Harry S. Geller
Elizabeth R. Marx
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101-1414
pulp@palegalaid.net
(Email and US mail)

Donald R. Wagner
Linda R. Evers
Michael A. Gruin
Stevens & Lee
111 N. Sixth Street
Reading, PA 19601
(Email and US mail)

DATE: March 9, 2016


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