

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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December 8, 2016

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17101

Re: Respond Power LLC  
v. Pennsylvania Electric Company  
Docket No. C-2016-2576287

Joint Petition for Metropolitan Edison  
Company, Pennsylvania Electric Company,  
Pennsylvania Power Company, and West  
Penn Power Company for Approval of their  
Default Service Programs  
Docket Nos. P-2015-2511333, P-2015-  
2511351, P-2015-2511355, P-2015-2511356

Petition of Respond Power LLC for Issuance  
of Ex Parte Emergency Order  
Docket No. P-2016-2572934

Dear Secretary Chiavetta:

Enclosed for filing is the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceeding.

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

Respectfully Submitted,

/s/ Kristine E. Marsilio  
Kristine E. Marsilio  
Assistant Consumer Advocate  
PA Attorney I.D. #316479

Enclosure

cc: Honorable David A. Salapa, ALJ  
Certificate of Service  
\*227764

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Respond Power, LLC	:	
	:	
v.	:	Docket No. C-2016-2576287
	:	
Pennsylvania Electric Company	:	
Petition of Metropolitan Edison Company,	:	Docket Nos.: P-2015-2511333
Pennsylvania Electric Company, Pennsylvania	:	P-2015-2511351
Power Company and West Penn Power	:	P-2015-2511355
Company for Approval of a Default Service	:	P-2015-2511356
Program for the Period Beginning	:	
June 1, 2017 through May 31, 2019	:	
Respond Power, LLC	:	Docket No. P-2016-2572934
For Issuance of Ex Parte Emergency Order	:	

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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, notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

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Respectfully submitted,

/s/ Kristine E. Marsilio  
Kristine E. Marsilio  
Assistant Consumer Advocate  
PA Attorney I.D. No. 316479

Date: December 8, 2016

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 Acting Consumer Advocate determined to intervene in the complaint proceeding initiated by Respond Power LLC (Respond Power) before the Commission.

On November 17, 2016, Respond Power filed a Formal Complaint against Pennsylvania Electric Company (Penelec), requesting the Commission prohibit Penelec from applying the September 2016 Clawback Charge in the Supplier Tariff to Respond Power and prohibit Penelec from applying a September 2017 Clawback Charge in the Supplier Tariff to Respond Power for any months during which Respond Power does not have access to the information upon which the charge is based. The “Clawback Charge” mechanism was approved by the Commission in Penelec’s recent Default Service Plan proceeding.

The OCA is a signatory to the Settlement of Penelec’s Default Service Plan proceeding, approved by the Commission at Docket Nos. P-2015-2511333, P-2015-2511351, P-2015-2511355 and P-2015-2511356. Under the approved Settlement, Penelec is required to implement a Purchase of Receivables “Clawback Proposal” to recover uncollectible costs from EGSs whose average percentage of write-offs substantially exceeded EGS supplier averages. The OCA has determined to intervene in this case to ensure that the provisions approved in the Settlement are appropriately implemented and that consumers are adequately protected.

CERTIFICATE OF SERVICE

Respond Power, LLC	:		
	:		
v.	:	Docket No.	C-2016-2576287
	:		
Pennsylvania Electric Company	:		
	:		
Petition of Metropolitan Edison Company,	:	Docket Nos.:	P-2015-2511333
Pennsylvania Electric Company, Pennsylvania	:		P-2015-2511351
Power Company and West Penn Power	:		P-2015-2511355
Company for Approval of a Default Service	:		P-2015-2511356
Program for the Period Beginning	:		
June 1, 2017 through May 31, 2019	:		
	:		
Respond Power, LLC	:	Docket No.	P-2016-2572934
For Issuance of Ex Parte Emergency Order	:		

I hereby certify that I have this day served a true copy of the foregoing document, 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 §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 8<sup>th</sup> day of December 2016.

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