



COMMONWEALTH OF PENNSYLVANIA

December 13, 2016

E-FILED

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

Re: Respond Power, LLC v. West Penn Power Company Docket No. C-2016-2576292; and Joint Petition of 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; and P-2015-2511356

Dear Secretary Chiavetta:

I am delivering for filing today the Notice of Intervention, Public Statement, and Verification, on behalf of the Office of Small Business Advocate, in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as evidenced by the enclosed Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

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

Enclosures

cc: The Honorable David A. Salapa
Mr. Robert D. Knecht
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Respond Power, LLC :
v. : **Docket No. C-2016-2576292**
West Penn Power Company :

Joint Petition of Metropolitan Edison :
Company, Pennsylvania Electric : **Docket Nos. P-2015-2511333**
Company, Pennsylvania Power Company : **P-2015-2511351**
And West Penn Power Company For : **P-2015-2511355**
Approval of Their Default Service : **P-2015-2511356**
Programs :

**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)
jorevan@pa.gov

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

Daniel G. Asmus, Esquire
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
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3. 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”).

4. This Intervention is filed regarding the Formal Complaint of Respond Power, LLC (“Respond Power”) against West Penn Power Company (“West Penn”) that was filed with the Commission on November 17, 2016.

5. Respond Power’s Formal Complaint arises from the Settlement of the FirstEnergy Companies’ most recent Default Service proceedings noted at the P-dockets in the caption above. The Office of Small Business Advocate was a signatory to that Settlement.

Respectfully submitted,


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 Second Street, Suite 202
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: December 13, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Respond Power , LLC	:	
v.	:	Docket No. C-2016-2576292
West Penn Power Company	:	

Joint Petition of 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
	:	

**PUBLIC STATEMENT OF
THE OFFICE OF 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 November 17, 2016, Respond Power, LLC (“Respond Power”) filed a Formal Complaint against West Penn Power Company (“West Penn”) asking the Commission to prohibit West Penn from applying the September 2016, Clawback Charge contained in its Supplier Tariff to Respond Power, and to prohibit West Penn from applying a September,

2017, Clawback Charge to Respond Power for any months during which Respond Power alleges it does not have access to the information upon which the Clawback Charge is based.

The West Penn Clawback Charge in question is one of the terms agreed to in the Settlement of the four FirstEnergy Companies Default Service proceedings noted at the P-dockets in the caption above. OSBA is a signatory to that Settlement, which requires West Penn (and the other companies) to implement a purchase of receivables “Clawback Proposal” in order to recover uncollectible costs from electric generation suppliers (“EGSs”) whose write-offs substantially exceed the average write-offs of other EGSs.

The Small Business Advocate is intervening in the above-captioned West Penn proceeding in order to protect the interests of the Company’s small business customers.

Dated: December 13, 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: December 13, 2016


(Signature)

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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West Penn Power Company :

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Approval of Their Default Service : **P-2015-2511356**
Programs :

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 David A. Salapa
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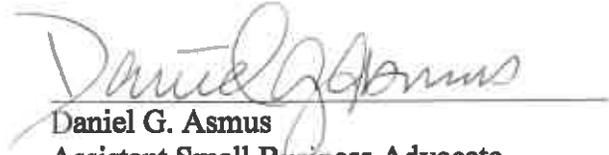
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DATE: December 13, 2016


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