



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. Pennsylvania Electric Company Docket No. C-2016-2576287; 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-2016-2576287**  
**Pennsylvania Electric 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](mailto: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  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[dasmus@pa.gov](mailto:dasmus@pa.gov)

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 Pennsylvania Electric Company (“Penelec”) 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**

<b>Respond Power , LLC</b>	:	
<b>v.</b>	:	<b>Docket No. C-2016-2576287</b>
<b>Pennsylvania Electric Company</b>	:	

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

**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 Pennsylvania Electric Company (“Penelec”) asking the Commission to prohibit Penelec from applying the September 2016, Clawback Charge contained in its Supplier Tariff to Respond Power, and to prohibit Penelec 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 Penelec 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 Penelec (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 Penelec 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)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Respond Power , LLC** :  
v. : **Docket No. C-2016-2576287**  
**Pennsylvania Electric 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  
Administrative Law Judge  
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DATE: December 13, 2016

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