



Michael J. Dolan II
Vice President & CFO

October 3, 2005

Office of the Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Docket No. M-00051865 - Implementation Order II

Dear Secretary McNulty,

I would like to submit, reply comments on the issues addressed in the Implementation Order II document adopted on July 14, 2005 and subsequently published in the Pennsylvania Bulletin, on behalf of US Wind Force, LLC ("USWF"), a wind farm developer based in Wexford, PA and active in the Mid-Atlantic, with wind farm projects under development in Pennsylvania, as well as West Virginia, Maryland and Virginia.

Regarding:

**A. Amendments to the March 23, 2005 Implementation Order,
1. Act 213 Compliance Schedule**

Although we did not comment on the Citizens and Wellsboro request in the reply comments filed with the Commission in response to the Implementation Order we would like to make one brief comment at this time regarding the Commission's findings in the Implementation Order II. That it be made clear that this finding should not be considered precedent setting by any other EDC or EGS whose exemptions expire at a later date than Citizens and Wellsboro. More specifically (with emphasis) that the balance of EDC's and EGS's with exemptions expiring after the extension date, of January 1, 2008, given to Citizens and Wellsboro (which assumes this extension will give them ample time to plan for and achieve an orderly compliance with the Act) should have more than ample time to plan for and achieve an orderly compliance with the Act.

2. Banking of Alternative Energy Credits

We support the findings of the Commission (in Implementation Order II) as a reasonable interpretation in what we agree was the intent of the General Assembly.

**B. General Compliance and Cost Recovery,
1. Cost Recovery Process for Act 213 Compliance**

We appreciate the Commission's diligence to ensure that the requirements of the Act are given due consideration with regard to rules it will be establishing for the POLAR/default service and for giving the AEPS WG the opportunity to participate in the development of the alternative energy procurement and cost recovery rules in the context of default service. We look forward to participating as part of the AEPS WG in these matters.

2. Alternative Energy Credits Program

As a participant in the AEPS WG and as a participant in the development of the PJM GATS, we look forward to the announcement of the Commission of its intentions to the AEPS WG and other interested parties for developing and implementing rules surrounding Alternative Energy Credits.

3. Force Majeure

We will be available to participate in the Commission's process once announced, to help develop rules to implement a force majeure mechanism.

4. Alternative Compliance Payments

We agree with the Commission's tentative findings and believe they are reasonable and most importantly in agreement with the intent of the General Assembly.

C. General Compliance and Cost Recovery,

1. Voluntary Alternative Energy Purchases

We believe this is a very important area that the Commission has identified as it addresses the implementation of the PA AEPS to protect not only the rights of the existing Voluntary Market Customers but the intention of the General Assembly in crafting this Act. As the Commission notes this matter has come up in other states (for those very same reasons) like Maryland to name one. We were an active participant in the process of the Maryland PSC and the ultimate rules adopted by that body which we believe set the correct standard. We recommend that the Commission consider modeling its rules to follow the Maryland Standard found in the MARYLAND REGISTER Copyright (c) 2005 by the Division of State Documents, State of Maryland ISSUE: Volume 32, Issue No. 16 ISSUE DATE: August 5, 2005 SUBJECT: PROPOSED ACTION ON REGULATIONS AGENCY: PUBLIC SERVICE COMMISSION 32-16 Md. Reg. 1404 TITLE 20 PUBLIC SERVICE COMMISSION Subtitle 61 RENEWABLE ENERGY PORTFOLIO STANDARD PROGRAM (see Paragraph section 7-705 (D) (2)).

2. Solar Thermal Energy

It would be our belief that if Solar Thermal Energy does not actually produce electricity but rather is used in ways to reduce the consumption of electricity used to perform the same function then it should be considered an element of conservation. As such it will require the same type of tracking to identify its contribution or off-set in MWh's that a Demand Side Management Resource will and Demand Side Management Resources are part of Tier II under the Act. We therefore recommend that Solar Thermal be classified as a Tier II resource.

D. Future Organization of this Implementation Proceeding

We appreciate the work the Commission and its staff is doing in the organization and efficient administrative implementation of the Act and these opportunities for input and comment. We look forward to continuing our participation as a member of the AEPS WG and any opportunities to help the Commission and its staff in any way we can to accomplishing their goals in implementing the Act.

Sincerely,

Michael J. Dolan II
VP & CFO
US Wind Force, LLC

