

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company for :
Approval of its Smart Meter Technology : Docket No. M-2009-2123948
Procurement and Installation Plan :**

**PREHEARING MEMORANDUM ON BEHALF OF
THE PENNSYLVANIA ASSOCIATION OF
COMMUNITY ORGANIZATIONS FOR REFORM NOW**

The Pennsylvania Association of Community Organizations for Reform Now (“ACORN”), through counsel, the Pennsylvania Utility Law Project, hereby submits this Pre-hearing Conference Memorandum in the above captioned proceeding pursuant to the Pre Hearing Conference Order of August 19, 2009:

1. History of the Proceeding.

Governor Edward Rendell signed Act 129 of 2008 (“the Act” or “Act 129”) into law on October 15, 2008, and the Act took effect on November 14, 2008. The Act, among other things, held that within nine months of its effective date electric distribution companies (“EDCs”) must file for approval with the Commission a smart meter technology procurement and installation plan (“smart meter plan”). 66 Pa.C.S. § 2807(f)(1). Each EDC’s smart meter plan must detail how smart meters will be provided to customers who request a meter, in new construction, and in accordance with a depreciation schedule not to exceed 15 years. *Id.* at §§ 2807(f)(1) and (2).

The Act requires EDCs to provide direct meter access to third parties upon customer request. 66 Pa.C.S. at § 2807(f)(3). The Act defines minimum smart meter technology capabilities and describes cost recovery methods. *Id.* at §§ 2807(g) and (f)(7). The Act also requires EDCs to file for approval time of use and real time pricing plans. *Id.* at § 2807(f)(5)

On March 30, 2009, the Commission issued a Secretarial Letter seeking comments on a draft staff proposal and additional questions regarding EDC smart meter procurement and installation. *Smart Meter Procurement and Installation Plans*, Docket No. M-2009-2092655 (March 30, 2009). Comments were due by April 15, 2009, and reply comments due April 27, 2009. On April 9, 2009, the comment period was extended to April 20, 2009 and the reply comment period to April 29, 2009.

In June 2009, the Commission issued an Implementation Order outlining the requirements for EDCs' smart meter plans. *Smart Meter Procurement and Installation Plans, Implementation Order*, Docket No. M-2009-2092655 (Order entered June 24, 2009). The Order included detailed requirements for the plan approval process, for smart meter deployment, for smart meter capabilities, for access to smart meter data, and for cost recovery. Pursuant to the requirements of Act 129 and of the Commission's Implementation Order, Duquesne filed its smart meter plan on August 14, 2009. Subsequently, a Pre Hearing Conference Order was issued by Administrative Law Judge Robert P. Meehan on August 19, 2009.

2. Issues to be Presented.

Act 129 requires EDCs to compile and submit a Smart Meter Procurement and Installation Plan outlining the companies' plans to build and install smart meters and an advanced metering infrastructure, plans to design and implement dynamic pricing schemes, and

plans for the institution of new types of service driven by smart meter capabilities. 66 Pa.C.S. §§ 2807(f)(1) and (5). These proposed activities will have significant and long standing effects upon residential utility customers, including, among other things, imposing significant new costs and making important changes in the provision of utility service. Low income households, already struggling to pay for and maintain essential utility service, stand to be overwhelmed by the new costs and services.

ACORN intends to address in this proceeding, among other issues:

- a) The impact upon low income households of the numerous new charges associated with new meters and the telecommunications infrastructure supporting those meters;
- b) The ability of low income households to actually shift electricity usage;
- c) The ability of low income households to access the information made available by smart meter technology;
- d) The negative impact upon low income households of several new services associated with or made possible by smart metering technology, such as remote disconnection, service limiters, and pre pay meters.
- e) The effectiveness of utility education programs associated with smart meters and new dynamic pricing schemes; and,
- f) The need for new consumer protections to offset the impact of new costs and services associated with smart meters and new dynamic pricing schemes.

3. Witnesses and Testimony

It is currently expected that ACORN will call as its witness Mr. Ian Phillips, Legislative

Director, Philadelphia ACORN, 846 North Broad Street - 2nd Floor, Philadelphia, PA 19130.

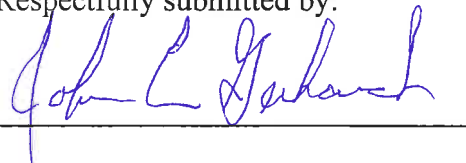
This witness list is provided without any analysis of the positions of all parties to this proceeding and without the benefit of discovery. As such, ACORN reserves the right to amend this list of witnesses as required.

4. Service on ACORN

Service for ACORN may be made upon:

Harry S. Geller, Esq.
John C. Gerhard, Esq.
Julie George, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101-1414
Tel.: (717) 236- 9486, ext. 201
Fax: (717) 233-4088
E-mail: pulp@palegalaid.net

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read "John C. Gerhard", is written over a horizontal line.

Harry S. Geller, Esq., PA Attorney #22415
John C. Gerhard, Esq., PA Attorney #94809
Julie George, Esq., PA Attorney # 208482

Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101-1414
Tel.: (717) 236- 9486, ext. 201
Fax: (717) 233-4088
E-mail: pulp@palegalaid.net

Counsel for ACORN

Dated: September 25, 2009