

PENNSYLVANIA UTILITY LAW PROJECT

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December 22, 2009

VIA ELECTRONIC FILING (E-FILING)

Secretary James J. McNulty
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

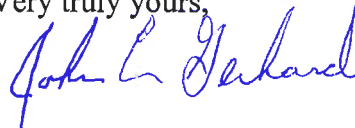
**Re: Petition of Duquesne Light Company for Approval of its Smart Meter
Technology Procurement and Installation Plan
Docket No. M-2009-2123948**

Dear Secretary McNulty:

Pursuant to 52 Pa. Code § 5.502, enclosed for filing please find the Reply Brief of the Pennsylvania Association of Community Organizations for Reform Now ("ACORN"). Copies of this letter have been provided to all parties of record in the manner indicated on the enclosed Certificate of Service.

Please contact me directly if you have any questions regarding the enclosed document.
Thank you.

Very truly yours,



John C. Gerhard
Counsel for ACORN

Enclosure

cc: Honorable Robert P. Meehan
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that I have today served true copies of ACORN's Reply Brief upon the parties of record listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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Dated: December 22, 2009

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 :

REPLY BRIEF OF THE ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW ("ACORN")

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I. INTRODUCTION

On November 14, 2008, Act 129 of 2008 (“Act”) took effect, amending the Public Utility Code. Among other things, the Act required each qualified electric distribution company (“EDC”) to submit a Smart Meter Technology Procurement and Implementation Plan (“SMIP”). 66 Pa.C.S. § 2807(f). The Pennsylvania Public Utility Commission (“Commission”) was made responsible for regulating the process of plan formulation and implementation. On June 24, 2009, the Commission issued an Implementation Order setting forth the standards that each EDC’s SMIP must meet. Smart Meter Procurement and Installation, Docket No. M-2009-2092655 (Order entered June 24, 2009) (“Implementation Order”). EDC SMIPs were to be submitted to the Commission on or before August 14, 2009. Id. at p. 3. Duquesne Light Company (“Duquesne” or “Company”) timely filed its SMIP and petitioned the Commission for approval on August 14, 2009. Petition of Duquesne Light Company for Approval of its Smart Meter Technology Procurement and Installation Plan, Docket No. M-2009-2123948.

The matter was assigned to the Office of Administrative Law Judge and then further assigned to Administrative Law Judge Robert P. Meehan. A pre-hearing conference was held on October 7, 2009. Pursuant to the requirements of Implementation Order, a Technical Conference was held on October 27, 2009. Thereafter, the procedural schedule called for the submission of Direct Testimony (by parties other than the Company) on October 29, the submission of Rebuttal Testimony on November 6, and the submission of Surrebuttal Testimony on November 12. A single day of evidentiary hearings was conducted on November 17, 2009.

The Association of Community Organizations for Reform Now (“ACORN”) filed a Petition to Intervene, Pre-Hearing Memorandum, and Comments on October 29, 2009. ACORN filed no testimony in the proceeding nor a Main Brief.

II. SUMMARY OF ARGUMENT

ACORN respectfully files this Reply Brief for the sole purpose of supporting the Office of the Consumer Advocate (“OCA”) in its argument that certain residential customers, specifically low income and elderly customers, are particularly vulnerable and may require a more specialized educational process in order to fully and meaningfully participate in the SMIP. ACORN respectfully requests the Commission to ensure Duquesne works with stakeholders to design and implement educational efforts that will effectively reach these customers.

III. ARGUMENT

ACORN supports the argument of the OCA that “certain segments of the residential customer base, notably, low-income customers and elderly customers may require specialized education and outreach efforts.” OCA Main Brief at p. 12; OCA St. 1 at p. 13. ACORN agrees that the Rebuttal Testimony of company witness, Ms. DeLost, supports the OCA’s position, with Ms. DeLost acknowledging the critical importance of consumer education to the success of any smart meter program. Duquesne St. C-R at pp. 11-12; OCA Main Brief at p. 12.

Given that the record in the case indicates consensus among the parties, ACORN respectfully offers its support to the OCA request that, in its Final Order, the Commission should memorialize each of the following points: (1) that Duquesne establish a process for involving stakeholders in the further development of its Plan; (2) that Duquesne’s Smart Meter customer education program include education and outreach initiatives geared specifically to low-income customers and the elderly. See OCA Main Brief at Appendix B, p. 5.

IV. CONCLUSION

In conclusion, ACORN supports the OCA's argument that certain residential customers, notably low income and elderly customers, are particularly vulnerable and may require a more specialized educational process in order to fully and meaningfully participate in the SMIP. ACORN respectfully requests the Commission to ensure Duquesne works with stakeholders to design and implement educational efforts that will effectively reach these customers.

Respectfully submitted,



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