

PENNSYLVANIA UTILITY LAW PROJECT

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October 18, 2010

Via E-Filing

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of West Penn Power Company d/b/a Allegheny Power for Approval of its Energy Efficiency and Conservation Plan, Approval of Recovery of its Costs through a Reconcilable Adjustment Clause and Approval of Matters Relating to the Energy Efficiency and Conservation Plan

Docket No. M-2009-2093218

Dear Secretary Chiavetta:

Please accept for re-filing in the above captioned proceeding the following Petition to Intervene by Pennsylvania Communities Organizing for Change ("PCOC"), made pursuant to 52 Pa. Code §§ 5.71-74. This re-filing is intended to correct an e-filing rejection associated with an e-filing of this Petition made on October 15, 2010. This re-filing is made pursuant to instructions received from the Pennsylvania Public Utility Commission's Secretary's Bureau in an e-mail dated October 18, 2010.

All parties to this proceeding received notice of this Petition during the original filing. Notice was made by first class and electronic mail.

Thank you for your assistance, and please feel free to contact me directly should you have any questions.

Very truly yours,



Julie George, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company	:	
d/b/a Allegheny Power for Approval of	:	
its Energy Efficiency and Conservation	:	
Plan, Approval of Recovery of its Costs	:	
through a Reconcilable Adjustment	:	Docket No. M-2009-2093218
Clause and Approval of Matters	:	
Relating to the Energy Efficiency and	:	
Conservation Plan	:	

**PETITION TO INTERVENE OF PENNSYLVANIA
COMMUNITIES ORGANIZING FOR CHANGE**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Pennsylvania Communities Organizing for Change (“PCOC”), through counsel, the Pennsylvania Utility Law Project, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code Sections 5.71-5.74, and states as follows:
2. On July 1, 2009, in accordance with the requirements of Act 129 and a Commission Implementation Order, entered January 16, 2009, West Penn Power Company d/b/a Allegheny Power (“the Company”) filed its Act 129 EE&C Plan with the Commission at Docket No. M-2009-2093218. The Energy Efficiency & Conservation (“EE&C”)

Plan addresses how the Company plans to meet consumption reduction requirements of Act 129.

3. Act 129 identifies low income customers as a specific group of customers designated to receive specific energy saving levels in the EE&C Plans.

The Plan shall include specific energy efficiency measures for households at or below 150% of the federal poverty income guidelines. The number of measures shall be proportionate to those households' share of the total energy usage in the service territory.¹

4. The Commission, in its Implementation Order, noted:

There are clear requirements in the Act regarding proportionate measures for low-income customers (within a residential customer class) as well as for governments, schools, etc. (within a commercial customer class). Beyond those requirements, we believe that EDCs should develop plans to achieve the most energy savings per expenditure.²

5. In an Order entered October 23, 2009, the Commission approved, with modifications, the company's EE&C Plan, which included several programs designed to provide specific energy efficiency and conservation services to low-income households and which included requirements for an ongoing stakeholder process of input into the EE&C Plans implementation and ongoing adaptation.³

¹ 66 Pa. C.S. §§ 2806.1(b)(1)(I)(G).

² *Energy Efficiency and Conservation Program Implementation Order*, Docket No. M-2008-2069887, (Order entered January 15, 2009), at 22.

³ *Petition of West Penn Power Company d/b/a Allegheny Power for Approval of its Energy Efficiency and Conservation Plan, Approval of Recovery of its Costs through a Reconcilable Adjustment Clause and Approval of Matters Relating to the Energy Efficiency and Conservation Plan*, Docket No. M-2009-2093218 (Opinion and Order entered Oct. 23, 2009).

6. On October 15, 2010, ACORN, the only intervener specifically representing the interests of low-income households, petitioned to withdraw from the proceeding and the stakeholder process, potentially leaving low-income households without an active intervener to exclusively represent low-income issues in the proceeding.

7. The Petitioner, PCOC, is a not-for-profit advocacy and membership organization whose mission is to advocate on behalf of low and lower income persons on numerous consumer issues, including access to and affordability of utility service. Many PCOC constituents reside within Allegheny Power territory and are customers of the Company; they rely on the Company for their electricity, including heating and cooling needs, and will be affected by the issues presented in this ongoing proceeding. In particular, they are potentially eligible to participate in and receive the benefits of the Allegheny's EE&C Plan; they will also share the costs of the EE&C plan on ratepayers. They therefore have a direct, immediate, substantial, and distinct interest in this proceeding.

8. PCOC seeks to intervene to ensure that its interests and those of its constituents are protected and advanced in this proceeding. Given the withdrawal of ACORN, those interests are not adequately represented by other participants in this proceeding. ACORN's withdrawal constitutes extraordinary circumstances sufficient to justify the Commission's granting of this Petition to Intervene.

9. PCOC intends to address, among other issues, the ongoing impact of Act 129 EE&C Plan activities on low income households and whether the measures employed by the Company comport with and satisfy Act 129 requirements.
10. The Petitioners are represented by the Pennsylvania Utility Law Project. Attorneys for receiving service of all documents in this proceeding are:

Harry S. Geller, Esq.
Julie George, Esq.
Pennsylvania Utility Law Project
118 Locust Street, Harrisburg, PA, 17101
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WHEREFORE, PCOC respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene and make such other order as is just and appropriate.

Respectfully submitted,



Harry S. Geller, Esq.
Julie George, Esq.
Attorneys on behalf of PCOC

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October 15, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of West Penn Power Company :
d/b/a Allegheny Power for Approval of :
its Energy Efficiency and Conservation :
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Docket No. M-2009-2093218


VERIFICATION

I, Craig Robbins, hereby state that the facts above set forth are true and correct (or 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

10/14/10

Signature:



Craig Robbins
Executive Director
Action United
846 North Broad Street - 2nd Floor
Philadelphia, PA 19130