

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

**ENERGY EFFICIENCY AND CONSERVATION PROGRAM** : **DOCKET NO. P-2012-2320369**  
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**CLEAN AIR COUNCIL AND SIERRA CLUB'S  
RESPONSE TO PPL ELECTRIC UTILITIES CORPORATION'S ANSWER TO  
CLEAN AIR COUNCIL AND SIERRA CLUB'S PETITION TO INTERVENE**

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Clean Air Council (“Council”) and the Pennsylvania Chapter of the Sierra Club (“Sierra Club”) (collectively, “Petitioner-Intervenors”) hereby submit this Response to PPL Electric Utilities Corporation’s (“PPL”) Answer to Petitioner-Intervenors’ Petition to Intervene before the Pennsylvania Public Utility Commission (“Commission”) in matters pertaining to PPL’s Evidentiary Hearing in the above-captioned proceedings, Docket No. P-2012-2320369. Accordingly, and as a supplement to this Petition to Intervene (which Petitioner-Intervenors incorporate herein by reference), the Petitioner-Intervenors state the following:

1. On August 29, 2012, a Prehearing Conference Order was issued for the above-captioned proceedings, setting an Initial Prehearing Conference for 1:00 PM on September 10, and directing the parties to file, by September 7, 2012, a Prehearing Conference Memorandum, addressing certain enumerated matters to be considered at the Prehearing Conference, as well as any “[o]ther matters that may aid in expediting the

orderly conduct and disposition of the proceeding and the furtherance of justice”. Prehearing Conference Order at 4.

2. On August 30, 2012, Petitioner-Intervenors filed a Petition to Intervene in the above-captioned docket. In this Petition, Petitioner-Intervenors noted that they each had members residing in PPL’s service territory and who were PPL customers and who receive electrical distribution services from PPL, and that these members were directly affected by implementation of PPL’s requirements, as promulgated by the Commission as part of Phase II of Act 129, through such mechanisms as impacts on utility rates, the availability and quality of energy efficiency and conservation programs, and the air quality resulting from electrical generation. *See* Petition to Intervene at ¶¶ 15, 17, 18. Petitioner-Intervenors additionally noted that they, as membership organizations, had an interest on behalf of their members in ensuring that energy efficiency and conservation programs are implemented to the fullest extent allowed by law and that such programs achieve the highest possible energy savings, in order to protect public health, preserve the environment, reduce energy prices, and maintain grid reliability. *Id.*

3. On September 10, 2012, at approximately 11 in the morning, counsel for PPL approached counsel for Petitioner-Intervenors with an Answer to Petitioner-Intervenors’ Petition for Intervention. In the Answer, PPL argued, among other things, that Petitioner-Intervenors were required to identify members who were PPL customers.

4. Counsel for PPL and counsel for Petitioner-Intervenors discussed PPL’s Answer in order to seek a resolution. Counsel for PPL indicated to counsel for Petitioner-Intervenors that it was seeking a named member who was a PPL customer for each Clean

Air Council and Sierra Club.<sup>1</sup> However, PPL and Petitioner-Intervenors were not able to resolve PPL's Answer prior to the 1:00 hearing scheduled in the above-captioned docket.

5. At the 1:00 hearing, PPL reiterated that it was seeking a named member who was a PPL customer from each Petitioner-Intervenor. Administrative Law Judge Elizabeth Barnes decided that decision on the Petition to Intervene would be deferred for two days, to give Petitioner-Intervenors an opportunity to respond to PPL's Answer and to supplement their original Petition.

6. The Council has numerous members residing in PPL's service territory. Two such members are Brooks Mountcastle, who resides at 909 Penn Street, Harrisburg, PA 17102, and Evan Pappas, who resides at 240 Edward Street, Harrisburg, PA 17110. *See* Russell Declaration, attached as Exhibit 1, at ¶ 6. Both Brooks Mountcastle and Evan Pappas are customers of PPL. *Id.*

7. PPL's service territory contains several whole counties as well as portions of many more counties; within this territory are the cities of Harrisburg, Lancaster, Allentown, Bethlehem, Scranton, and Wilkes-Barre. The Council has 40 members who reside within these cities, and thus at least 40 members who reside within PPL's service territory. *Id.* at ¶¶ 5, 7. Because Clean Air Council's membership records are not organized along county or service territory boundaries, Clean Air Council is unable to say with absolute certainty how many more members reside in PPL's service territory. *Id.* at ¶ 7. However, the Council believes that a large number of members reside in PPL's service territory, but live outside the six largest population centers of Harrisburg, Lancaster, Allentown, Bethlehem, Scranton, and Wilkes-Barre. *Id.*

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<sup>1</sup> Counsel for PPL additionally assured counsel for Petitioner-Intervenors that it would not be seeking discovery concerning any such named members.

8. Sierra Club also has numerous members residing in PPL's service territory. Two such members are Thomas Au and Justina Wasicek, who reside at 1528 Dogwood Dr, Harrisburg, PA 17110. *See* Schuster Declaration, attached as Exhibit 2, at ¶ 6. Both are PPL customers. *Id.*<sup>2</sup>

9. The Sierra Club additionally has at least 2,154 members that reside in PPL's service territory. *Id.* at ¶¶ 5, 7. This number consists of members residing in counties that are entirely within the boundaries of PPL's service territory, as well as the cities of Harrisburg, Lancaster, Allentown, and Bethlehem. It does not include the many more Sierra Club members who are PPL customers in the 20 counties which are partially served by PPL, but partially served by other electricity distribution companies as well. *Id.* at ¶ 7. The Sierra Club is unable to provide an exact number of members in PPL territory because the PPL service boundaries do not correspond exactly with information in our member database. *Id.*

10. The Petitioner-Intervenors will fairly and adequately represent these members, who are otherwise unable, because of a relative lack of the necessary time and resources, to adequately pursue their interests in this proceeding if forced to act individually. Clean Air Council and the Sierra Club are membership organizations, and thus have organizational standing to represent their members' interests.

11. Additionally, Petitioner-Intervenors' participation will aid the Commission in the development of the facts necessary for a proper disposition of the proceedings. Petitioner-Intervenors have participated in the administrative process undergone by the Commission in developing its Implementation Order—the subject of the above-captioned

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<sup>2</sup> Thomas Au and Justina Wasicek have, additionally, requested that the Sierra Club represent their interests in this matter. *Id.*

docket—including by submitting comments and petitions to the Commission. Clean Air Council and the Sierra Club moreover have significant expertise in and experience with, among other things, utility regulation, electrical generation policy, energy efficiency, and the environmental impacts of power generation, and thus will be able to help ensure that a full development of relevant evidence is presented to the Commission in a way that assures the just representation of all viewpoints, including those of Petitioner-Intervenors' members. Russell Declaration at ¶ 2; Schuster Declaration at ¶ 4.

**WHEREFORE,** Petitioners Clean Air Council and Sierra Club respectfully request that the Administrative Law Judge enter an order granting the Petitioner-Intervenors full status as an intervenor in this proceeding.

Date: September 12, 2012

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## Exhibit 1

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION  
DECLARATION OF JUSTIN RUSSEL**

I, Justin Russell, declare as follows:

1. I am the Membership Coordinator for the Clean Air Council (“Council”), a member-supported nonprofit corporation organized and existing under the laws of the Commonwealth of Pennsylvania. In that capacity I am familiar with the Council’s mission, which is “Protecting Everyone’s Right to Breathe Clean Air.” Working to reduce Pennsylvania’s exposure to harmful air pollution is a core part of the Council’s mission. I am familiar with the Council’s work to improve air quality in Pennsylvania including its recent activity with the Public Utilities Commission (“PUC”), for which it submitted comments regarding Act 129’s Energy Efficiency and Conservation Program, a revision of which is challenged in this proceeding.

2. I have been the Membership Coordinator for the Council for 5 months. My duties as Membership Coordinator include: managing databases that contain information on members and prospective members, supervising membership campaigns and processing membership renewals and working with major donors and foundations that support the Council. My work requires me to be familiar with the Council’s purpose, organization and activities, as well as the environmental interests and concerns of Council members. The Council is very active in pursuing its mission in the energy sector, and has developed expertise in the energy efficiency and air pollution aspects of electrical generation.

3. In my capacity as Membership Coordinator for the Council, I have access to current information about all of the Council's members and board members, including their primary residential addresses.

4. The total number of Clean Air Council Members in Pennsylvania is 4,598.

5. PPL Utilities Corporation's ("PPL") service territory includes Carbon, Schuylkill, Columbia, Montour, Northumberland, Lackawanna, Snyder, and Union Counties, a majority area of Lehigh, Lancaster, Dauphin, Monroe, Wayne, Clinton, and Perry Counties, and portions of Pike, Luzerne, Northampton, Bucks, Montgomery, Berks, Chester, York, Lebanon, Cumberland, Juniata, Wyoming, and Lycoming Counties.<sup>1</sup> I have cross-checked these geographic areas with the addresses in our current member database and determined that we have membership residing in PPL service territory.

6. Specifically, two such members residing PPL service territory are Brooks Mountcastle, who resides at 909 Penn Street, Harrisburg, PA 17102, and Evan Pappas, who resides at 240 Edward Street, Harrisburg, PA 17110. Both Brooks Mountcastle and Evan Pappas are customers of PPL.

7. Within PPL's service territory are the cities of Harrisburg, Lancaster, Allentown, Bethlehem, Scranton, and Wilkes-Barre. The Council has 40 members who reside within these cities, and thus at least 40 members who reside within PPL's service territory. Because the Council's membership records are not organized along county or service territory boundaries, I am unable to say with absolute certainty how many more members reside in PPL's service territory. However, the Council believes that a large number of members reside in PPL's service territory, but live outside the six largest

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<sup>1</sup> "Electric Energy Efficiency Potential for Pennsylvania," dated May 10, 2012, at page 21, prepared by PUC commissioned Statewide Evaluator. See [http://www.puc.state.pa.us/electric/pdf/Act129/Act129-PA\\_Market\\_Potential\\_Study051012.pdf](http://www.puc.state.pa.us/electric/pdf/Act129/Act129-PA_Market_Potential_Study051012.pdf).



population centers of Harrisburg, Lancaster, Allentown, Bethlehem, Scranton, and Wilkes-Barre. The 40 members living in those population centers represent the minimum number of Council members residing within PPL's service territory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Philadelphia, PA on September 12, 2012.

/s/ Justin Russell \_\_\_\_\_  
Justin Russell

## Exhibit 2

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION  
DECLARATION OF THOMAS SCHUSTER**

I, Thomas Schuster, declare as follows:

1. I am the Pennsylvania Beyond Coal Campaign Representative at the Sierra Club. I have had this position for nearly five months.

2. In this role, I coordinate statewide Sierra Club activities related to promotion of clean energy and energy efficiency. As part of the duties of my position, I am charged with knowing and being familiar with the service territories for the different electrical utilities in Pennsylvania, their energy efficiency and conservation plans, and the state requirements those plans must meet. Further, I am responsible for coordinating campaign efforts with Chapter staff, organizers, and members throughout the state, including member activities in those utility service territories.

3. The Sierra Club is a non-profit membership organization incorporated under the laws of the State of California, with an active Chapter and membership in Pennsylvania.

4. The Sierra Club's mission is to explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's resources and ecosystems; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. In carrying out this mission, the Sierra Club has acquired and developed significant expertise in and experience with, among other things, utility regulation, electrical generation policy, energy efficiency, and the environmental impacts of power generation.

5. PPL Utilities Corporation's ("PPL") service territory includes Carbon, Schuylkill, Columbia, Montour, Northumberland, Lackawanna, Snyder, and Union Counties, a majority area of Lehigh, Lancaster, Dauphin, Monroe, Wayne, Clinton, and Perry Counties, and portions of Pike, Luzerne, Northampton, Bucks, Montgomery, Berks, Chester, York, Lebanon, Cumberland, Juniata, Wyoming, and Lycoming Counties.<sup>1</sup> I have cross-checked these geographic areas with the addresses in our current member database and determined that we have membership residing in PPL service territory.

6. Specifically, two such members residing in PPL service territory are Thomas Au and Justina Wasicek, who reside at 1528 Dogwood Dr, Harrisburg, PA 17110. Both are PPL customers. Both have, additionally, requested that the Sierra Club represent their interests before the Public Utilities Commission concerning PPL's petition for an evidentiary hearing.

7. The Sierra Club additionally has at least 2,154 members that reside in PPL's service territory. This number consists of members residing in counties that are entirely within the boundaries of PPL's service territory, or in the cities of Harrisburg, Lancaster, Allentown, and Bethlehem, which are also within the boundaries of PPL's service territory. It does not include the many more Sierra Club members who are PPL customers in the 20 counties which are partially served by PPL, but partially served by other electricity distribution companies as well. Unfortunately, the Sierra Club is unable to provide an exact number of members in PPL territory because the PPL service boundaries do not correspond exactly with information in our member database.

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<sup>1</sup> "Electric Energy Efficiency Potential for Pennsylvania," dated May 10, 2012, at page 21, prepared by PUC commissioned Statewide Evaluator. See [http://www.puc.state.pa.us/electric/pdf/Act129/Act129-PA\\_Market\\_Potential\\_Study051012.pdf](http://www.puc.state.pa.us/electric/pdf/Act129/Act129-PA_Market_Potential_Study051012.pdf).

However, the number of 2,154 members is nonetheless a concrete minimum number of those that reside in PPL's service territory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Windber, PA on September 12, 2012.

/s/ Thomas Schuster  
Thomas Schuster

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :  
For an Evidentiary Hearing on the Energy : P-2012-2320369  
Efficiency Benchmarks Established for the Period :  
June 1, 2013 through May 31, 2016 :

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**CLEAN AIR COUNCIL AND SIERRA CLUB'S  
PREHEARING CONFERENCE MEMORANDUM**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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Dated: September 12, 2012

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