



CITY OF PHILADELPHIA

LAW DEPARTMENT  
One Parkway  
1515 Arch Street  
Philadelphia, PA 19102-1595

*Shelley R. Smith*  
*City Solicitor*

*(215) 683-5170 (phone)*  
*(214) 683-5175 (fax)*

November 27, 2012

Via Electronic Filing

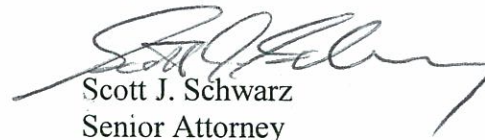
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of its Act 129 Phase II  
Energy Efficiency and Conservation Plan  
Docket No. M-2012-2333992

Dear Secretary Chiavetta:

Enclosed for filing please find a Petition to Intervene of the City of Philadelphia in the above-referenced matter, along with a Certificate of Service showing that copies of the enclosed document have been served upon parties of record.

Very truly yours,

  
Scott J. Schwarz  
Senior Attorney

Enclosure

cc: Administrative Law Judge Dennis J. Buckley  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :  
for Approval of its Act 129 Phase II : M-2012-2333992  
Energy Efficiency and Conservation Plan :

**PETITION TO INTERVENE OF THE CITY OF PHILADELPHIA**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.71-5.74, The City of Philadelphia (the “City”) hereby files this Petition to Intervene in the above-captioned proceeding. In support thereof, the City states as follows:

1. Petitioner is The City of Philadelphia, City Hall, Philadelphia, Pennsylvania 19107.

2. The names and address of Petitioner’s attorneys are:

J. Barry Davis, Esquire (I.D. No. 62137)  
Scott J. Schwarz, Esquire (I.D. No. 38224)  
Joseph M. Iole, Esquire (I.D. No. 314586)  
City of Philadelphia Law Department  
1515 Arch Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
[j.barry.davis@phila.gov](mailto:j.barry.davis@phila.gov)  
[scott.schwarz@phila.gov](mailto:scott.schwarz@phila.gov)  
215-683-5186 (Davis)  
215-683-5170 (Schwarz)  
Fax: 215-683-5175

3. On November 1, 2012, PECO Energy Company (“PECO” or the “Company”) petitioned the Pennsylvania Public Utility Commission (the “Commission”) for approval of the Company’s Phase II Energy Efficiency and Conservation (“EE&C”) Plan (“Phase II Plan” or “Plan”) pursuant to the requirement of Act 129 of 2008, 66 Pa. C.S. § 2806.1.

4. The City is a corporation and body politic, organized and existing as a city of the first class under the Commonwealth of Pennsylvania and the Philadelphia Home Rule Charter, and is engaged in the government and administration of the City of Philadelphia.

5. PECO's Petition for Approval of its Phase II Plan ("Petition") outlines PECO's proposal to address the requirement of Act 129 and the PUC's Phase II Implementation Order entered August 3, 2012 at Docket Nos. M-2008-2069887 and M-2012-2289411 ("Implementation Order") through energy efficiency programs designed to achieve an overall 2.9% consumption reduction for residential, institutional, non-profit, commercial, and industrial customers. It also requests that the Commission approve tariff provisions to implement a Section 1307 surcharge to recover Phase II plan costs.

6. The proposed Phase II plan portfolio includes thirteen energy efficiency programs, of which five programs target governmental customers or government facilities: the PECO Smart Business Solutions Program; the PECO Smart Multi-Family Solutions Program; the PECO Smart Construction Incentives Program; the PECO Smart Equipment Incentives Program for Government, Institutional and Non-Profit (GINP) facilities; and the PECO Smart On-Site Program.

7. The City has been actively involved in numerous PECO and Act 129 proceedings, including participation in the adjudication of PECO's Phase I EE&C Plan, regularly attending PECO's EE&C stakeholder meetings, and submitting comments on a number of important topics related to the design and implementation of Phase II EE&C Programs in response to the Secretarial Letter dated March 1, 2012, and the

Commission's Tentative Implementation Order adopted May 10, 2012 at Docket Nos. M-2008-2069887 and M-2012-2289411.

8. The City generally is supportive of the Phase II EE&C Program and targets established by the Commission in the Implementation Order, but it wants to make sure that certain programs remain available on reasonable terms and conditions, and that the allocation of costs and the tariff provisions for implementing the surcharge to recover Phase II Plan costs are just and reasonable.

9. The City has interests in this proceeding that may be directly affected and that are not adequately represented by other participants, and as to which the City may be bound by the action of the Commission in this proceeding.

10. The City is among the largest electricity customers of PECO. The City, both as a customer and as a political entity, relies on PECO's infrastructure in Center City and throughout Philadelphia, including the Philadelphia Airport System, City Hall and other municipal buildings, the Philadelphia Water Department operations and street lighting, among others. As a city, Philadelphia represents the public interest of all who live, work, and conduct business in the City. Any decision on PECO's Phase II Plan will directly affect the City, its operation and citizens.

11. The City, as one of the largest electricity customers of PECO and representing its citizens, has an interest in whether PECO's Phase II Plan is appropriate and in the consequences of the implementation of the programs in the Plan.

12. The City has standing to intervene as the proposed Phase II Plan directly affects it and its citizens.

12. Therefore, consistent with 52 Pa. Code § 5.72(a), the City has a significant interest in this proceeding that is not represented by any other party of record. In addition, the City's interest in the proposed Plan is of such nature that the City's participation in this proceeding is in the public interest. Accordingly, the Commission should grant the City party status in this proceeding.

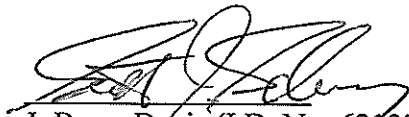
13. Pursuant to the Prehearing Conference Order entered in this matter and limiting each party to one entry on the service list, all documents and correspondence in this proceeding should be addressed to:

Scott J. Schwarz, Esquire  
City of Philadelphia Law Department  
1515 Arch Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5170  
215-683-5175 (Fax)  
[scott.schwarz@phila.gov](mailto:scott.schwarz@phila.gov)

WHEREFORE, the City of Philadelphia respectfully requests that the Commission grant this Petition to Intervene and provide the City with full party status.

Respectfully submitted,

The City of Philadelphia

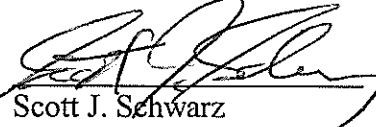
  
J. Barry Davis (I.D. No. 62437)  
Scott J. Schwarz (I.D. No. 38224)  
Joseph M. Iole (I.D. No. 314586)  
Law Department  
City of Philadelphia  
1515 Arch Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
Phone: 215-683-5186 (Davis)  
215-683-5170 (Schwarz)  
Fax: 215-683-5175

Dated: November 27, 2012

## VERIFICATION

I, Scott J. Schwarz, hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief. 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: November 27, 2012



Scott J. Schwarz

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :  
for Approval of its Act 129 Phase II : M-2012-2333992  
Energy Efficiency and Conservation Plan :

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving true and correct copies of the foregoing document by first-class mail upon the individuals listed below in accordance with the requirements of 52 Pa Code § 1.54 (relating to service by parties).

HONORABLE DENNIS J. BUCKLEY  
ADMINISTRATIVE LAW JUDGE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265  
HARRISBURG, PA 17105-3265  
Fax: 717-787-0481

ANTHONY E GAY ESQUIRE  
JACK R GARFINKLE ESQUIRE  
EXELON BUSINESS SERVICES COMPANY  
2301 MARKET STREET  
PO BOX 8699  
PHILADELPHIA PA 19101-8699  
[anthony.gay@exeloncorp.com](mailto:anthony.gay@exeloncorp.com)  
[jack.garfinkle@exeloncorp.com](mailto:jack.garfinkle@exeloncorp.com)

THOMAS P GADSDEN ESQUIRE  
CATHERINE G VASUDEVAN ESQUIRE  
MORGAN LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA PA 19103-2921

TANYA J MCCLOSKEY ESQUIRE  
JENNEDY S JOHNSON ESQUIRE  
OFFICE OF CONSUMER ADVOCATE  
5<sup>TH</sup> FLOOR FORUM PLACE  
555 WALNUT STREET  
HARRISBURG PA 17101-1923

DANIEL G ASMUS ESQUIRE  
SHARON E WEBB ESQUIRE  
OFFICE OF SMALL BUSINESS ADVOCATE  
SUITE 1102 COMMERCE BUILDING

300 NORTH SECOND STREET  
HARRISBURG PA 17101

RICHARD A KANASKIE ESQUIRE  
CARRIE B WRIGHT ESQUIRE  
PA PUC BIE  
PO BOX 3265  
HARRISBURG PA 17105-3265

BRIAN GLASS  
PENNFUTURE  
1500 WALNUT STREET  
SUITE 502  
PHILADELPHIA PA 19102

HARRY S GELLER ESQUIRE  
JULIE GEORGE ESQUIRE  
JOHN C GERHARD ESQUIRE  
PA UTILITY LAW PROJECT  
118 LOCUST STREET  
HARRISBURG PA 17101-1414

KURK E KLAPKOWSKI  
PA DEP  
RCSOB 9<sup>TH</sup> FLOOR  
400 MARKET STREET  
HARRISBURG PA 17101-2301

THU B TRAN ESQUIRE  
PHILLIP A BERTOCCI ESQUIRE  
JONATHAN M STEIN ESQUIRE  
COMMUNITY LEGAL SERVICES  
1424 CHESTNUT STREET  
PHILADELPHIA PA 19102-2505

DANIEL CLEARFIELD ESQUIRE  
KEVIN J MOODY ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
PO BOX 1248  
HARRISBURG PA 17108-1248

CHARIS MINCAVAGE ESQUIRE  
ADEOLU A. BAKARE  
MCNEES WALLACE & NURICK LLC  
PO BOX 1166  
HARRISBURG PA 17108-1166



[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[abakare@mwn.com](mailto:abakare@mwn.com)

ROGER E CLARK  
THE REINVESTMENT FUND  
718 ARCH STREET  
SUITE 300 NORTH  
PHILADELPHIA PA 19106-1591

SCOTT H DEBROFF ESQUIRE  
ALICIA R PETERSON ESQUIRE  
RHOADS & SINON LLP  
PO BOX 1146  
HARRISBURG PA 17108-1146

DIVESH GUPTA ESQUIRE  
CONSTELLATION  
100 CONSTELLATION WAY  
SUITE 500 C  
BALTIMORE MD 21202

NIA WILSON ESQUIRE  
OFFICE OF REPRESENTATIVE  
MARK B COHEN  
HOUSE HUMAN SERVICES COMMITTEE  
330 IRVIS OFFICE BUILDING  
HARRISBURG PA 17120-2202

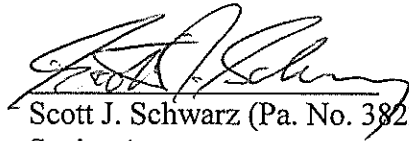
ROBERT GRAFF MANAGER  
ENERGY & CLIMATE CHANGE INITIATIVES  
DELAWARE VALLEY REGIONAL PLANNING COMM  
190 NORTH INDEPENDENCE MALL WEST  
8<sup>TH</sup> FLOOR  
PHILADELPHIA PA 19106-1520

LIBBY DODSON DIVISION CHIEF  
POLLUTION PREVENTION & ENERGY ASSISTANCE  
PA DEP – OETD  
RCSOB 15<sup>TH</sup> FLOOR  
400 MARKET STREET  
HARRISBURG PA 17101-2301

RICK SAUER EXEC DIR  
PHILADELPHIA ASSOC OF COMMUNITY DEVELOPMENT CORPORATIONS  
SUITE 1600  
1315 WALNUT STREET

PHILADELPHIA PA 19107

DICK SPELLMAN PRESIDENT  
GDS ASSOCIATES INC  
SUITE 800  
1850 PARKWAY PLACE  
MARIETTA GA 30067



Scott J. Schwarz (Pa. No. 38224)

Senior Attorney

City of Philadelphia, Law Department

1515 Arch Street, 16<sup>th</sup> Floor

Philadelphia, PA 19102

[scott.schwarz@phila.gov](mailto:scott.schwarz@phila.gov)

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Fax: 215-683-5175

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