

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Implementation of the Alternative :  
Energy Portfolio Standards Act of : Docket No. M-00051865  
2004: Implementation Order II :

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COMMENTS  
OF  
ARIPPA  
ON IMPLEMENTATION ORDER II

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**I. INTRODUCTION**

On July 14, 2005, the Commission adopted Implementation Order II which was published in the Pennsylvania Bulletin on July 30, 2005 with comments due in sixty (60) days.

ARIPPA will not address all aspects of Implementation Order II and this Commission's amendments to its earlier March 23, 2005 Implementation Order. ARIPPA does wish to assure that it is afforded notice and opportunity to be heard in all further proceedings involving the Alternative Energy Portfolio Standards Act of 2004 ("Act" or "Act 213"), 73 PS. §1648.1 et seq., including but not limited to proceedings under Section B 3 of Implementation Order II and any other proceeding under Act 213.

**II. DISCUSSION**

Section B 3 of Implementation Order II provides for modification of compliance obligations if a force majeure condition exists. ARIPPA has a very real interest in any modifications of the compliance obligations of Pennsylvania EDCs and is entitled to notice and the right to participate in any such proceeding. If for example, an EDC were to contend that there are insufficient Tier 1 credits available

or that they are too expensive and compliance obligations should be modified, then ARIPPA should be entitled to participate in such force majeure proceeding and contend that in order to preserve the overall goal of Act 213 that the PUC would be obligated to increase the Tier 2 requirements rather than merely granting a Tier 1 waiver.

Accordingly, ARIPPA submits that any filings or proceedings which address any rights, obligations or other requirements relative to Act 213, should be published in the Pennsylvania Bulletin and that all interested parties are afforded notice and opportunity to be heard with respect to such filings or proceedings.

ARIPPA also states that the Commission's holding on whether or not alternative compliance payments are recoverable from ratepayers cannot be interpreted as modifying or negatively impacting any existing NUG/EDC purchase power contract, the PUC's approval thereof or any restructuring or other existing PUC Orders with respect thereto. The Commission should so state in any final order.

ARIPPA thanks the Commission and the Commission Staff for the ongoing opportunity to discuss the implementation of Act 213. ARIPPA looks forward to continuing to work with all stakeholders in developing rules, regulations and processes that effectively meets the requirements of Act 213.

Respectfully submitted,

ARIPPA

By

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Patricia Armstrong, Esquire  
THOMAS, THOMAS,  
ARMSTRONG & NIESEN  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500

Billie E. Ramsey  
Executive Director and  
General Counsel  
ARIPPA  
2015 Chestnut Street  
Camp Hill, PA 17011

Attorneys for ARIPPA

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