

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560 (in PA only)

FAX (717) 783-7152  
consumer@paoca.org

IRWINA. POPOWSKY  
Consumer Advocate

July 7, 2009

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

RE: Joint Petition for Consolidation of  
Proceedings and Approval of Energy  
Efficiency and Conservation Plans of  
Metropolitan Edison Company,  
Pennsylvania Electric Company and  
Pennsylvania Power Company  
Docket No. M-2009-2112952

Dear Secretary McNulty:

Enclosed for filing is the Notice of Intervention and Public Statement of the Office of  
Consumer Advocate, in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Candis A. Tunilo".

Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891

Enclosure

cc: Honorable David A. Salapa  
Office of Special Assistants

00114598.docx

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition for Consolidation of :  
Proceedings and Approval of Energy :  
Efficiency and Conservation Plans :                   Docket Nos. M-2009-2112952  
of Metropolitan Edison Company, :  
Pennsylvania Electric Company and :  
Pennsylvania Power Company :

---

NOTICE OF INTERVENTION

---

Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

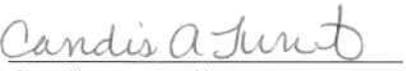
Aron J. Beatty  
PA Attorney I.D. # 86625  
E-Mail: [ABeatty@paoca.org](mailto:ABeatty@paoca.org)

Candis A. Tunilo  
Assistant Consumer Advocates  
PA Attorney I.D. # 89891  
E-Mail: [CTunilo@paoca.org](mailto:CTunilo@paoca.org)

Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50044  
E-Mail: [TMcCloskey@paoca.org](mailto:TMcCloskey@paoca.org)

Office of Consumer Advocate  
555 Walnut Street, 5th Floor Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Respectfully submitted,

  
Candis A. Tunilo  
Assistant Consumer Advocates  
PA Attorney I.D. # 89891

DATED: July 7, 2009  
00114578.docx

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to intervene in Pennsylvania Electric Company's (Penelec or Company) Joint Petition for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company at Docket Number M-2009-2112952.

On July 1, 2009, Penelec filed its Petition and Energy Efficiency and Conservation (EE&C) Plan with the Commission pursuant to Section 2806.1 of the Public Utility Code, 66 Pa. C.S. § 2806.1, and the Commission's January 15, 2009 Implementation Order at Docket Number M-2008-2069887. In its Petition, Penelec requests that the Commission approve its proposed EE&C Plan and authorize the Company to implement its proposed tariff riders for cost recovery. Penelec's Plan proposes to address the requirements of Act 129 through the implementation of nineteen (19) programs for residential; commercial and industrial; and governmental/institutional customers. Penelec has proposed residential programs including: (1) Home Energy Audits; (2) Residential Appliance Turn-In Program; (3) Residential HVAC; (4) Residential Energy Efficiency Products Program; (5) Residential New Construction; (6) Residential Whole Building; (7) Multi-Family - Tenants; (8) Residential Direct Load Control; and (9) Low-Income Residential.

Further, in its Petition Penelec requests that the Commission consolidate review of all of the FirstEnergy Companies' EE&C Plans pursuant to 52 Pa. Code § 5.81 because the Petitions present common questions of law and fact and because consolidated review will avoid unnecessary costs and delay. The FirstEnergy Companies include Metropolitan Edison Company, Penelec and

Pennsylvania Power Company. The FirstEnergy Companies have coordinated their efforts in developing EE&C Plans. According to the Companies, this coordination has resulted in a comprehensive set of measures that have been grouped into programs that will enable each of the Companies to achieve the goals established under Act 129.

The Consumer Advocate determined to intervene in this proceeding to protect the interests of Penelec's customers; to ensure that the proposed EE&C Plan and the proposed programs are in accordance with Act 129 and all other applicable statutes, regulations and case law; and to ensure that any increase in rates resulting from the adoption of the proposed programs and any related expenses are just and reasonable.

The OCA intends to review several areas of Penelec's proposed Plan including the design of the proposed programs; the cost effectiveness of the proposed programs and Plan; and the Company's proposed cost recovery mechanisms. The OCA will seek to ensure that any costs that are sought to be recovered are consistent with Commission regulations, statutes and applicable case law and result in rates that are just and reasonable.

CERTIFICATE OF SERVICE

Joint Petition for Consolidation of :  
Proceedings and Approval of Energy :  
Efficiency and Conservation Plans : Docket Nos. M-2009-2112952  
of Metropolitan Edison Company, :  
Pennsylvania Electric Company and :  
Pennsylvania power Company :

I hereby certify that I have this day served a true copy of the foregoing document, Notice of Intervention of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 7<sup>th</sup> day of July 2009.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Johnnie E. Simms, Esquire  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL

Bradley A. Bingaman, Esquire  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA19612-6001

Kathy J. Kolich, Esquire  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308

Renardo L. Hicks, Esquire  
Steven & Lee  
16<sup>th</sup> Floor  
17 North Second Street  
Harrisburg, PA 17101

William R. Lloyd  
Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

*Candis A Tunilo*

---

Aron J. Beatty  
Assistant Consumer Advocate  
PA Attorney I.D. # 86625  
E-Mail: ABeatty@paoca.org  
Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: CTunilo@paoca.org  
Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50044  
E-Mail: TMcCloskey@paoca.org

Counsel for  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

00114601.docx