



CITY OF PHILADELPHIA

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July 24, 2009

Via Electronic Filing

James J. McNulty, Jr., 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 Energy
Efficiency and Conservation Plan and Expedited Approval of its Compact
Florescent Lamp Program
Docket No. M-2009-2093215

Dear Secretary McNulty:

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: All Parties on the Certificate of Service w/enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of its Act 129 Energy Efficiency :
and Conservation Plan and Expedited : Docket No. M-2009-2093215
Approval of its Compact Florescent :
Lamp Program :

PETITION TO INTERVENE OF THE CITY OF PHILADELPHIA

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pursuant to 52 Pa. Code §§ 5.71-5.74, and the Prehearing Conference Order issued by Administrative Law Judge Marlane R. Chestnut, dated July 1, 2009, The City of Philadelphia (“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:

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3. On July 1, 2009, PECO Energy Company (“PECO”) filed its Act 129 Energy Efficiency and Conservation Plan (“EE&C Plan” or “Plan”) with the

Pennsylvania Public Utility Commission (“PUC” or “Commission”) pursuant to the requirement of Act 129 of 2008, 66 Pa. C.S. § 2806.1.

4. Petitioner 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. The City is generally supportive of energy efficiency and conservation programs as a means of reducing energy demand and consumption, and particularly in light of the expiration of the cap on electric rates, but it wants to make sure that the programs are broadly available and the allocation of costs is appropriate and balanced.

6. The granting of this petition is necessary and appropriate to the administration of the statute under which this proceeding is brought.

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

8. The City is among the largest electricity customers of PECO Energy. 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. The City spends about \$50 million dollars per year with PECO on electricity purchases. Any decision on PECO’s EE&C Plan will directly affect the City, its operation and citizens.

9. The City, as one of the largest electricity customers of PECO and representing its citizens, has an interest in whether PECO's proposed EE&C Plan is appropriate and in the consequences of the implementation of the programs in the EE&C Plan.

10. The City has standing to intervene as the proposed EE&C Plan directly affects it and its citizens.

11. 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 EE&C 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.

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

Respectfully submitted,

The City of Philadelphia

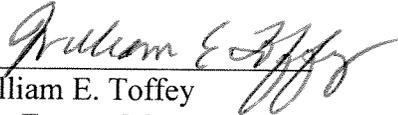


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VERIFICATION

I, William Toffey, hereby state that the facts above set forth 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: July 17, 2009


William E. Toffey
City Energy Manager
Mayor's Office of Sustainability

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of its Act 129 Energy Efficiency :
and Conservation Plan and Expedited : Docket No. M-2009-2093215
Approval of its Compact Florescent :
Lamp Program :

CERTIFICATE OF SERVICE

I hereby certify that I am serving a true and correct copy of the foregoing document this day by first-class mail, postage-prepaid, and/or by electronic mail, on the parties listed below, addressed as follows:

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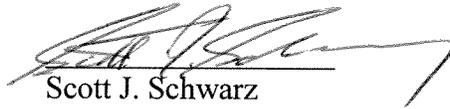
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Dated: July 24, 2009