

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
	:	<b>Docket Nos. R-2008-2073938</b>
<b>v.</b>	:	<b>P-2009-2097639</b>
	:	
<b>Philadelphia Gas Works</b>	:	

**PETITION TO INTERVENE OF CLEAN AIR COUNCIL**

1. Petitioner, the Clean Air Council (“Petitioner” or “the Council”) is a non-profit, member-supported organization with offices located in Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania. The Council’s mission is to protect everyone’s right to breathe clean air. Through public education, community advocacy, and government oversight, the Council seeks to ensure the enforcement of environmental laws.

2. The name and address of the Petitioner’s attorney<sup>1</sup> is:

Adam H. Cutler, Esq.  
Public Interest Law Center of Philadelphia  
125 S. 9<sup>th</sup> St, Suite 700  
Philadelphia, PA 19107

3. The respondent utility is:

Philadelphia Gas Works  
800 West Montgomery Avenue  
Philadelphia, PA 19122

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<sup>1</sup> Petitioner’s attorney’s office address will be changing effective October 31, 2009, to 1709 Benjamin Franklin Parkway, Second Floor, Philadelphia, PA 19103.

4. On April 20, 2009, Philadelphia Gas Works (“PGW”) filed a Revised Petition for Approval of Energy Conservation and Demand-Side Management Plan (“Petition”). The Demand-Side Management Plan (hereinafter “DSM Plan”) outlines seven portfolio programs that PGW hopes to implement over the course of the next five years. The aim of the five-year plan, as proposed by PGW, is to reduce the carbon footprint of current PGW customers, to save PGW customers money on their gas bills, to take steps toward more sustainable uses of scarce natural resources by the City of Philadelphia, and to reduce PGW’s financial requirements via a reduction in the total amount of natural gas purchased and delivered by PGW. PGW estimates that after the programs have run for five years, the DSM plan will have realized \$109 million in savings, will have saved a total of 1300 Billion British Thermal Units (“BBTUs”) of gas, and will have created between 600 and 1,000 net additional jobs “over the life of the efficiency measures.” Petition at 12-13.
5. The bulk of the DSM Plan comprises a series of seven demand-side management programs. Those programs are: 1) an Enhanced Low-Income Retrofit program, wherein “implementation contractors” install newer, more energy-efficient technologies in low income, high-energy use homes; 2) a Comprehensive Residential Heating Retrofit program, wherein “private contractors” aid high-use heating customers in evaluating their homes under existing federal Energy Star guidelines, and identifying potential energy-saving technologies to be installed; 3) a Premium Gas Appliances and Heating Equipment program, which works to promote efficient residential-sized gas appliances at the time of purchase; 4) a

Commercial and Industrial Equipment and Efficiency Upgrades program, which works to promote efficient gas appliances for commercial and industrial uses at the time of new installation or replacement; 5) a Municipal Facilities Comprehensive Efficiency Retrofit, which utilizes “energy-service contractors” to identify and install energy- and cost-efficient technologies in municipal facilities; 6) a High-Efficiency Construction Program, designed to promote energy-efficient planning, construction, and renovation for residential and commercial buildings; and 7) a Commercial and Industrial Retrofit Program, which will seek to persuade facility managers and financial officers to audit their facilities and identify “cost-effect energy-saving retrofit opportunities.” Petition at 7.

6. PGW asserts that each of the portfolio programs will result in the reduction of greenhouse gas emissions. As spending on each program is ramped up to 100% by 2013, total lifetime reductions in Carbon Dioxide are projected to exceed 1,000,000 short tons. PGW anticipates that the enhanced low-income retrofit program (an expansion of its current low-income retrofit program) would provide the largest yearly reduction in greenhouse gases, saving over 25,000 short tons in 2013 alone. PGW expects that the residential efficiency gas appliances and heating equipment program would be the second most efficient program in terms of anticipated greenhouse gas emissions reductions. Table 11, Exhibit I at 28. In the low-income and residential heating retrofit programs, which contemplate retrofitting of electric appliances, PGW anticipates nearly a quarter million short tons of emissions reductions over the lifetime of the DSM plan. Table 11, Exhibit I at 28.

7. Given the Council's mission of protecting the public's right to breathe clean air and ensuring the enforcement of environmental laws, the Council seeks to intervene on behalf of the public interest of the residents of the City of Philadelphia, including PGW's residential customers, as well as the residents of the Commonwealth. The public at large has a direct and substantial interest in PGW's proposed plan to reduce overall greenhouse gas emissions and dependence on non-domestic suppliers of natural gas, and in PGW's proposed creation of 600 to 1,000 green-collar jobs. If the DSM Plan is altered in any way, the public may be adversely affected by the Commission's conclusions in this matter. Additionally, the collaborative spirit of the DSM Plan suggests that a party representing the public's interest in improved environmental conditions and job creation in the clean energy sector should be included in this proceeding.
8. The Council generally supports the goals and concepts of the proposed DSM Plan, but seeks to intervene to highlight aspects of the DSM Plan that require greater specificity and to ensure that the implementation of the DSM Plan, as and if approved, will actually achieve its projected goals and maximize its contemplated benefits to the public. All citizens in PGW's service area of the City of Philadelphia, especially low-income residents, have an interest in cleaner air and an expanded clean energy workforce. These interests extend beyond Philadelphia's municipal boundaries to the entirety of the greater Philadelphia metropolitan region and indeed to all residents of the Commonwealth.

9. No existing party or intervenor is representing the public's interest in connection with the above-described environmental or job-creation issues. The Council therefore will represent the public's interest in this proceeding in a manner that the existing parties and existing intervenors cannot.

**WHEREFORE**, the Clean Air Council respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene providing the Clean Air Council with full-party status in this proceeding.

Respectfully submitted,

/s/ Adam H. Cutler  
ADAM H. CUTLER, ESQUIRE  
PA Attorney I.D. No. 76605  
Public Interest Law Center of Philadelphia  
125 S. 9<sup>th</sup> Street, Suite 700  
Philadelphia, PA 19107

Attorney for Petitioner Clean Air Council

Dated: October 23, 2009

**VERIFICATION**

I, Joseph O. Minott, state that I am the Executive Director of the Clean Air Council and that I am authorized to make this Verification on its behalf. I hereby verify that the factual statements made on behalf of the Clean Air Council in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that I am making this Verification subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: October 23, 2009



Joseph O. Minott

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## CERTIFICATE OF SERVICE

I hereby certify that on this day, I served a true and correct copy of the foregoing document via the PUC's electronic filing and service system upon the following:

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/s/ Adam H. Cutler \_\_\_\_\_

DATE: October 23, 2009