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December 19, 2012

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Bldg., 2<sup>nd</sup> Fl.  
400 North Street  
Harrisburg, PA 17105-3265

RE: Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan; Docket No. P-2012-2334388

Dear Secretary Chiavetta:

Enclosed for electronic filing is Comverge, Inc.'s Petition to Intervene in the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Norton'.

Jeffrey J. Norton

JJN/jls  
Enclosure

cc: Hon. Dennis J. Buckley (w/enc)  
Certificate of Service (w/enc)

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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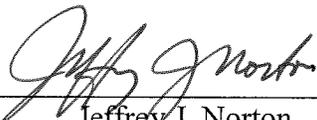
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Date: December 19, 2012

  
\_\_\_\_\_  
Jeffrey J. Norton

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PPL ELECTRIC** :  
**UTILITIES CORPORATION FOR** : Docket No. M-2012-2334388  
**APPROVAL OF ITS ACT 129 PHASE** :  
**II ENERGY EFFICIENCY AND** :  
**CONSERVATION PLAN** :

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**COMVERGE, INC.'S  
PETITION TO INTERVENE**

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Pursuant to 52 Pa. Code §§ 5.71-5.75, Comverge, Inc. (“Comverge”) petitions the Pennsylvania Public Utility Commission (“the Commission”) to intervene in the Act 129 Phase II Energy Efficiency and Conservation Program proceedings with respect to PPL Electric Utilities Corporation (“PPL” or “Company”). In support of its intervention, Comverge states as follows:

1. On November 15, 2012, PPL filed with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) its Phase II Energy Efficiency and Conservation (“EE&C”) Plan (“Phase II Plan” or “Plan”), pursuant to Act 129 of 2008, 66 Pa . C.S. § 2806.1 (“Act 129) and the PUC’s Implementation Order entered on August 3, 2012, at Docket Nos. M-2008-2069887 and M-2012-2289411.

2. Comverge is one of the nation’s leading providers of energy management products and services to residential, commercial and industrial customers. Comverge has been an active Conservation Service Provider (“CSP”) in Pennsylvania and has served several EDCs who are in the Act 129 Phase II Programs. Comverge provides complex energy management programs and related services to electric distribution companies (“EDCs”), residential and small

business, large commercial, and industrial customers throughout Pennsylvania, including those customers in the PPL's service territory. Comverge has a unique business model, and extensive experience in providing energy management solutions services to all types of customers.

3. Comverge's attorneys in this matter are:

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4. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A "person" includes a corporation. 52 Pa. Code § 1.8.

5. Comverge meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As a CSP with contracts that call for energy management from customers (residential, large commercial and industrial) in the PPL service territory, Comverge satisfies the standard for intervention because Comverge possesses an "interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72(a)(1).

6. Comverge's interests in this proceeding are unique and not adequately represented by other parties that may seek to intervene. Comverge will explain how it plans to promote the use of behind the meter cogeneration with combined heat and power ("CHP") technologies as a

supported energy efficient and conservation measure to provide stability in reliability planning, capture significant benefits, and avoid waste at little added cost. In its Phase II Energy Efficiency and Conservation Plan, PPL discusses eligible energy efficiency and conservation measures and energy savings incentives strategies.<sup>1</sup> PPL mentions that it held meetings with stakeholders that discussed CHP as part of the Custom Incentive Program but provides little detail on the CHP measures that it mentioned. In contrast, in its Phase II Energy Efficiency and Conservation Plan, PECO's Smart On-Site program is a specific proposal to support combined heat and power technologies. In its Petition, PECO states that its proposed Smart On-Site Program is designed to encourage installation of CHP projects that "maximize operational savings and minimize operational and maintenance costs."<sup>2</sup> It proposes to offer incentives to customers who install CHP technologies to reduce facility energy use."<sup>3</sup> Comverge supports PECO's Smart On-Site Program and its design for CHP and wants to see the Companies implement similar programs. Comverge supports the use of CHP for all Pennsylvania electric distribution companies as a cost effective, energy efficient use that supports the goals and objectives of Act 129. In view of Comverge's unique business model, Comverge's interests in this proceeding cannot be adequately represented by other parties which have different business models and different customer target markets.

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<sup>1</sup> CHP is mentioned in PPL's Plan as an eligible energy measure and/or incentive including references on pages 14, 102, 118 and 134.

<sup>2</sup> PECO's Phase II Energy Efficiency and Conservation Plan refers to cogeneration CHP on pages 147-154; *see also*, PECO St. No. 1 (Jiruska) at 16, and PECO St. No. 2 (Galvin) at 12. The Program cost by rate Class is set forth in Exhibit RAS-2.

<sup>3</sup> *Petition of PECO Energy Company for Approval of its Phase II Energy Efficiency and Conservation Plan*, at 10.

7. Comverge's interests are substantial. The targets set for PPL will impact PPL's energy efficiency and conservation program, which in turn will have a material effect on the use of cogeneration CHP energy efficiency and conservation programs in the PPL service territory and other energy management programs.

8. Comverge is registered as a CSP<sup>4</sup> on the PUC's Registry of CSPs with a specific interest in participating in CHP projects. The consumption reduction targets tentatively set by the Commission and the resulting measures implemented by PPL may impact Comverge's plans to expand its business in PPL's service territory.

9. Comverge will be bound by the action of the Commission in this proceeding, which will determine the targets for the EE&C Program in the PPL service territory.

10. Specifically, Comverge is directly interested in developing cogeneration CHP energy efficiency and conservation and other energy measures in the PPL service territory. The implementation of such proposals directly impact Comverge's business model, and Comverge believes that the Commission should continue such program elements without disruption.

11. At this time, Comverge continues to evaluate its position on the Commission's tentative targets and may refine its position based on further study of the proposals, review of discovery and additional input from other parties.

12. Comverge's intervention is in the public interest. Comverge has the experience and resources to aid the Commission in carrying out its duties and responsibilities under Act 129, the Electricity Generation Customer Choice and Competition Act to ensure that the goals of the

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<sup>4</sup> *Petition of Comverge, Inc.*, Docket No. A-2009-2113604, Secretarial Letter dated Nov. 3, 2011 approving application to re-register as a Conservation Service Provider. Comverge's wholly owned subsidiary, Enerwise Global Technologies, is also registered as a CSP. *Petition of Enerwise Global Technologies, Inc.*, Docket No. A-2012-2297625, Secretarial Letter dated April 11, 2012 approving application to register as a Conservation Service Provider.

Act are met. Accordingly, Comverge is uniquely qualified to present views regarding PPL's energy efficiency and conservation programs and Comverge's participation in this proceeding will assist the Commission in making its determinations required under Act 129 and is clearly in the public interest. *See* 52 Pa. Code § 5.72(a)(3).

**WHEREFORE**, Comverge respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,



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Date: December 19, 2012

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