

CITIZEN POWER

Public Policy Research Education and Advocacy

October 12, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
400 North Street
Harrisburg, PA 17201

**Re: Petition of Duquesne Light Company for Approval to Modify its Smart meter
Procurement and Installation Plan; Docket No. P-2015-2497267**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission please find the Petition to Intervene of Citizen Power, Inc. in the above-referenced proceeding.

Sincerely,



Theodore Robinson
Counsel for Citizen Power

Enclosure

cc: Honorable Katrina L. Dunderdale, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Approval to Modify its Smart Meter : Docket No. P-2015-2497267
Procurement and Installation Plan :

PETITION TO INTERVENE OF CITIZEN POWER, INC.

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Citizen Power, Inc. (“Citizen Power”), by and through its attorney, Theodore S. Robinson, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.71-5.76, and in support thereof states as follows:

I. BACKGROUND

1. On August 4, 2015, Duquesne Light Company (“Duquesne” or “Company”) filed the *Petition of Duquesne Light Company for Approval to Modify its Smart Meter Procurement and Installation Plan* (“Petition”). Included with this Petition was a copy of Duquesne’s Amended Smart Meter Plan along with the direct testimonies of Brian Novicki, James Karcher, and William Pfrommer.

2. On August 24, 2015, Citizen Power and the Office of Consumer Advocate (“OCA”) both filed Answers to the Petition requesting that the Petition be referred to the Office of Administrative Law Judge (“OALJ”) for evidentiary hearings.

3. Also on August 24, 2015, Duquesne filed the written supplemental direct testimony of James T. Karcher.

4. Citizen Power is a non-profit, 501(c)(3), public policy research, education, and advocacy organization incorporated under the laws of the Commonwealth of Pennsylvania with its principal place of business located at 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217.

5. Citizen Power markets a renewable energy product of TriEagle Energy (PA PUC A-2010-2180376). Citizen Power also operates the Green Energy Collaborative, a program with the goal of promoting Pennsylvania wind generation. The Green Energy Collaborative has enrolled over 1000 members during its existence.

II. STANDARDS FOR INTERVENTION

6. The Commission's regulations at 52 Pa. Code §§ 5.71-5.76 establish the standards and requirements for a party to intervene in an action before the Commission. Section 5.72 sets forth the eligibility requirements for a party to intervene, which provides, in pertinent part, as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) 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.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa. Code § 5.72. The eligibility requirements for an interested party to intervene in an action before the Commission is less strict and easier to satisfy than the common law standard for intervention. *Application of Metropolitan Edison Co. for Approval to Construct an Electric Generating Unit Fueled by Natural Gas*, Docket No. A-110300, 1994 Pa. PUC LEXIS 52 (Order entered Feb. 25, 1994) (citing *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975)).

III. FACTS SUPPORTING INTERVENTION

7. David Hughes is the President of Citizen Power and is a customer of Duquesne Light. William H. Carlson, Mark A. Scott, and Curtis Williams are members of the Citizen Power Board of Directors and are customers of Duquesne Light.

8. The principal place of business of Citizen Power is 2121 Murray Avenue, Pittsburgh, Pennsylvania 15217. Citizen Power is a customer of Duquesne Light at this location.

9. Citizen Power devotes almost all of its resources to consumer and environmental protections issues. Citizen Power has participated in numerous proceedings regarding electricity market deregulation, renewable resource standards, energy efficiency, and customer rates in Pennsylvania and Ohio and at the Federal Energy Regulatory Commission (“FERC”). Citizen Power has been a statewide advocate for lower energy costs and increased use of renewable energy and energy-efficiency technologies.

10. Citizen Power has been a participant on behalf of customers in previous Duquesne Light proceedings before the Commission, including Docket No. R-2010-2179522 (Duquesne’s Distribution Rate Plan), Dockets No. P-2012-2301664 and P-2009-2135500 (Duquesne’s Default Service Plans), Docket No. M-2012-23343399 (Duquesne’s Energy Efficiency and Conservation

Plan), Docket No. M-2009-2123948 (Duquesne's Smart Meter Plan), Docket No. P-00072247 (Duquesne's "POLR IV" proceeding), Docket No. P-00032071 (Duquesne's "POLR III" proceeding), Docket No. R-00974104 (Duquesne's "POLR II" Settlement proceeding), Docket No. P-00021969 (regarding Duquesne's petition to modify its "POLR II" Plan in connection with the Company's intention to join PJM West), Docket No. P-00032071 (relating to modification of Duquesne's POLR II rates), and Docket No. R-00974104 (Duquesne's Restructuring Plan).

11. Duquesne's filing proposes the following modifications to the 2012 Smart Meter Plan: (1) changing the implementation date for Time of Use ("TOU"), Real Time Pricing ("RTP"), and net metering functionality to 2016 from 2015; (2) implementation of an Advanced Distribution Management System ("ADMS") which includes a new Outage Management System ("OMS") and Distribution Management System ("DMS") at an estimated cost of \$46M-\$56M plus an ongoing incremental cost of \$2.8M per year; (3) a ramped-up smart meter deployment schedule which would complete all residential meter installations by 2018 and all commercial and industrial meter installations by 2019; (4) an increase in the estimated cost of the Amended Smart Meter Plan to \$257M, exclusive of the ADMS costs; (5) approval of a \$15M contingency component to cover changes in scope or requirements, unforeseen cost increases, or implementation complications; (6) approval for additional repairs of equipment adjoining the new advanced metering infrastructure ("AMI") to insure safe installation of the new meters, which would have any costs incurred recovered through the Smart Meter Charge Rider; and (7) the continued collection of any AMI costs, as well as new costs relating to the Petition, through the existing Smart Meter Charge Rider.

IV. GROUNDS FOR INTERVENTION

12. Citizen Power has a direct interest in the outcome of this proceeding and meets the standards for intervention set forth in 52 Pa. Code § 5.72(a)(2). Specifically, as a customer of Duquesne Light, Citizen Power has an interest in any impacts that the proposed modifications to the 2012 Smart Meter Plan would have on the Smart Meter Charge Rider.

13. The Commission's regulation also provides that a person who has "[a]nother interest of such nature that participation of the petitioner may be in the public interest" may intervene in the proceeding. 52 Pa. Code § 5.72(a)(3). As both a consumer and environmental advocacy organization, Citizen Power has a unique perspective that cannot be represented by any other party in this proceeding. Citizen Power submits that this unique interest coincides with the public interest and should be considered by the Commission.

14. The interests of Citizen Power are not adequately represented by another party. The other parties in this proceeding are not authorized and do not have standing to fully represent the interests of Citizen Power.

15. Based on the foregoing, Citizen Power has substantial interests that will be directly and immediately affected by the Commission's disposition of the Applicants' Application. Therefore, this Petition to Intervene should be granted.

V. POSITION OF CITIZEN POWER, INC.

16. Citizen Power believes that this proposed modification of the Smart Meter Plan needs to be fully investigated by the Commission. Citizen Power is specifically concerned about whether the proposed overall ADMS implementation is cost-effective and reasonable, whether the proposed increased costs of the AMI project are reasonable, whether a \$15 million dollar

contingency component is necessary, and whether the ADMS costs should be collected using the same methodology as used to collect the AMI cost recovery.

17. At this time, Citizen Power continues to evaluate its position on the changes to the Smart Meter Plan and will refine its position based upon further study of the plan, review of discovery and additional input from other parties. Citizen Power reserves the right to raise other issues as necessary and appropriate during the course of the proceeding and to respond to issues raised by other parties.

VI. COUNSEL

18. Citizen Power will be represented in this proceeding by the following counsel:

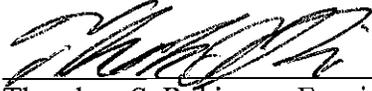
Theodore S. Robinson, Esq.
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

Phone: 412-421-7029
Fax: 412-421-6162
Email: robinson@citizenpower.com

19. Counsel consents to the service of documents by electronic mail to robinson@citizenpower.com, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, for all of the foregoing reasons, Citizen Power believes that its intervention in this proceeding satisfies the legal standards for intervention and will serve the public interest. Citizen Power respectfully requests that the Commission grant this Petition to Intervene in the above-captioned matter and give it full party status in this proceeding.

Respectfully submitted,



Theodore S. Robinson, Esquire
PA Attorney ID No. 203852

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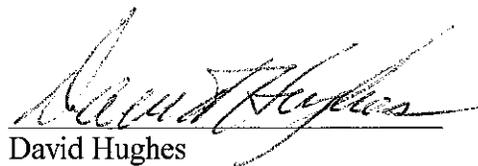
Date: October 12, 2015

Counsel for Citizen Power

VERIFICATION

I, David Hughes, hereby state that the facts set forth above in the Petition to Intervene are true and correct (or 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).

Dated: October 12, 2015



David Hughes
President
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
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Procurement and Installation Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Petition to Intervene of Citizen Power, Inc. upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

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Dated this 12th day of October, 2015.

By:



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