



OFFICE OF CONSUMER ADVOCATE

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

IRWINA. POPOWSKY  
Consumer Advocate

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

April 3, 2006

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**COPY**

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RE: Proposed Rulemaking Re Net Metering for  
Customer-Generators Pursuant to Section 5 of  
the Alternative Energy Portfolio Standards  
Act, 73 P.S. § 1648.5  
Docket No. L-00050174  
Implementation of the Alternative Energy  
Portfolio Standards Act of 2004: Net  
Metering  
Docket No. M-00051865

Dear Secretary McNulty:

Enclosed are an original and fifteen (15) copies of the Comments of the Office of  
Consumer Advocate, in the above-referenced proceeding.

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

Sincerely,

*Christy M. Appleby*

Christy M. Appleby  
Assistant Consumer Advocate

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Enclosures

cc: Calvin Birge, Bureau of Conservation, Economics and Energy Planning  
H. Kirk House, Office of Special Assistants  
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking Re Net Metering for	:	
Customer-Generators Pursuant to Section 5	:	Docket Nos. L-00050174
of the Alternative Energy Portfolio Standards	:	
Act, 73 P.S. § 1648.5	:	
	:	
	:	
Implementation of the Alternative Energy	:	
Portfolio Standards Act of 2004: Net Metering	:	M-00051865

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Office of Consumer Advocate's  
Comments on Net Metering Regulations

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**I. Introduction**

On November 10, 2005, the Commission issued its proposed rulemaking regarding net metering for customer generation pursuant to the requirements of Act 213 of 2004 (the Act). On February 4, 2006, the Commission's proposed rulemaking Order was published in the Pennsylvania Bulletin. The proposed rulemaking addresses issues including net metering definitions; metering requirements and charges; alternative energy credits; and the treatment of stranded costs.

The OCA supports the Commission's efforts to develop rules for small customers that are easy to use and that balance the issues presented by net metering.<sup>1</sup> Net metering provides long-term reliability and diversity benefits by allowing for, and stimulating, the

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<sup>1</sup> Previously, the OCA actively participated in the Working Group on net metering and interconnection and has submitted both informal working group and formal comments. On August 26, 2005, the OCA submitted comments regarding the Commission's proposed Net Metering Draft Regulations. Many of the OCA's prior comments and suggestions have been incorporated in, or addressed by, the proposed rulemaking.

development of distributed generation and alternative resources. The OCA submits that the Commission has developed a sound approach to its net metering regulations and provided a fair compensation method for individual customer-generators by following the New Jersey rules in this regard. The proposed regulations also limit charges on customer-generators and provide that the Electric Distribution Company (EDC) may not require additional equipment or insurance unless authorized by the Commission. Section 75.13(k). Eliminating unnecessary barriers will aid in the development of this behind the meter generation.

The OCA also supports the Commission's approach to stranded cost recovery for residential customers set forth in the proposed regulations. Recognizing that net metering by residential customers does not warrant additional procedures to address any reduction in stranded cost recovery is a reasonable reading of 66 Pa. C.S. § 2808(a). The Commission correctly observes that the cost of tracking reduced stranded cost recovery for residential customer-generators will likely exceed the recovery of the lost value of unrecovered stranded costs. Further, the costs of modifying billing systems in order to recover very small amounts of money from residential customer-generators alone will also far outstrip the value recovered. The principle of 66 Pa.C.S. § 2808(a) is not violated by foregoing the recovery of stranded costs when the reduction in usage is not significant and the costs of doing so far outstrip the amount of money that could be recovered. The OCA strongly supports the Commission's approach.

The OCA submits that the proposed regulations strike the appropriate balance in most respects and provide a positive step forward. The OCA has identified one area of concern with the proposed rulemaking. The OCA is concerned with Section 75.14(d)

which allows an EDC to secure ownership of Alternative Energy Credits if a customer-generator rejects ownership.

## **II. Discussion**

The Commission has proposed in its regulations that if a customer-generator expressly rejects ownership of the alternative energy credits (AEC), the EDC may secure ownership by supplying additional metering equipment. Section 75.14(d) provides:

(d) EDC Title to Credits.

(i) When the customer-generator expressly rejects ownership of alternative energy credits produced in the customer-generator's facility, the EDC may supply additional metering equipment required to qualify the alternative energy credit at the EDC's expense. In those circumstances, the EDC shall take title to any alternative energy credit produced.

(ii) A customer-generator is not prohibited from having a qualified meter service provider install metering equipment for the measurement of generation, or from selling alternative energy credits to a third party other than an EDC.

The OCA submits that it must be made clear in the regulation that any solicitation from the utility requesting that a customer give up title to credits can only be made in the context of a full and accurate description of the options open to the customer. It is insufficient that a utility be able to potentially gain title to credits by installing additional equipment without the fully informed agreement of the customer.

The proposed regulation should be modified to reflect a requirement that the EDC fully inform the customer of the value of credits and other options for the credits. The OCA submits that the value of ownership of credits must be clearly explained to customer-generators so that customers fully understand their rights to title and can make

fully informed decisions. This language will ensure that decisions by customers are fully informed. The OCA proposes the following language:

(d) EDC Title to Credits.

(i) When the customer-generator expressly rejects ownership of alternative energy credits produced in the customer-generator's facility, the EDC may supply additional metering equipment required to qualify the alternative energy credit at the EDC's expense. In those circumstances, the EDC shall take title to any alternative energy credit produced.

(ii) An EDC shall, prior to gaining title to credits produced by customer-generators, fully inform the customer-generator of the potential value of those credits and of other options for disposing of those credits.

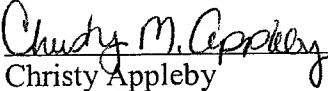
(iii) A customer-generator is not prohibited from having a qualified meter service provider install metering equipment for the measurement of generation, or from selling alternative energy credits to a third party other than an EDC.

In order to prevent confusion between EDCs and customer-generators, the OCA strongly urges that the Commission adopt a standard statement that EDCs must use in seeking to have customer-generators expressly reject ownership of their credits in favor of the EDC.

### III. Conclusion

WHEREFORE, the Office of Consumer Advocate generally supports the Pennsylvania Public Utility Commission's proposed net metering regulations and submits the above-requested comments.

Respectfully Submitted,

  
Christy Appleby  
Assistant Consumer Advocate  
Tanya J. McCloskey  
Senior Assistant Consumer Advocate

Counsel for:  
Irwin A. Popowsky  
Consumer Advocate

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

April 3, 2006

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CERTIFICATE OF SERVICE

Proposed Rulemaking Re Net Metering for :  
Customer-Generators Pursuant to Section 5 : Docket Nos. L-00050174  
of the Alternative Energy Portfolio Standards :  
Act, 73 P.S. § 1648.5 :  
:  
:  
Implementation of the Alternative Energy :  
Portfolio Standards Act of 2004: Net Metering : M-00051865

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

Dated this 3<sup>rd</sup> day of April 2006.

SERVICE BY INTEROFFICE MAIL

Dennis Yablonsky  
Department of Community and Economic  
Development  
Commonwealth Keystone Building  
Pennsylvania Public Utility Commission  
400 North Street, 4<sup>th</sup> Floor  
Harrisburg, PA 17105-3265

Shane Rooney  
Patricia Krise Burket  
Law Bureau  
Commonwealth Keystone Building  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17105-3265

Carrie Beale  
Calvin Birge  
Conservation, Economics and Energy Planning  
Commonwealth Keystone Building  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17105-3265

Johnnie E. Simms, Esquire  
Office of Trial Staff  
Commonwealth Keystone Building  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17105-3265

Karen Moury  
Action Executive Director  
Commonwealth Keystone Building  
Pennsylvania Public Utility Commission  
400 North Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17105-3265

H. Kirk House  
Office of Special Assistants  
Commonwealth Keystone Building  
Pennsylvania Public Utility Commission  
400 North Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17105-3265

SERVICE BY FIRST CLASS MAIL

K.A. McGinty, Secretary  
Eric Thumma, Director  
Department of Environmental Protection  
Rachel Carson Building  
Harrisburg, PA 17105

Eric Winslow, President  
Citizens Electric Company of Lewisburg  
P.O. Box 551  
1771 Industrial Boulevard  
Lewisburg, PA 17837

Brian Crowe, Esquire  
Joseph Dominguez, Esquire  
PECO Energy Company  
2301 Market Street S26-2  
Philadelphia, PA 19103

David W. Trego, President  
UGI Utilities Inc. - Electric Division  
100 Kachel Boulevard, Suite 400  
Green Hills Corporate Center  
Reading, PA 19607

Maureen L. Hogel, Esquire  
Senior Vice President and Chief Counsel  
Duquesne Light Company  
411 Seventh Avenue 16-2  
Pittsburgh, PA 15219

Jan L. Fox  
Strategic Energy LLC  
Two Gateway Center, 9<sup>th</sup> Floor  
Pittsburgh, PA 15222

Keith M. Sopenfield, II., Esquire  
Larry Gunn, Esquire  
EnCana Marketing, Inc.  
1616 S. Voss Road  
Suite 750  
Houston, TX 77057-2631

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

Leila Vespoli  
Senior Vice President and General Counsel  
DBA FirstEnergy Company  
76 South Main Street  
Akron, OH 44308

Kathy Patton, Esquire  
John L. Munsch, Esquire  
DBA Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601

John D. McMahon, President  
c/o Orange & Rockland Utilities  
Pike County Light & Power Company  
One Blue Hill Plaza, 4<sup>th</sup> Floor  
Pearl River, NY 10965

Brian Nagle, Esquire  
Paul E. Russell, Esquire  
Douglas Krau, Esquire  
PPL Electric Utilities Corporation  
Two North Ninth Street  
Allentown, PA 18101-1179

Dennis M. Yates  
Vice President  
Finance and Administration  
Strategic Energy LLC  
Two Gateway Center  
Pittsburgh, PA 15222-1402



Raymond Morrissey  
Vice President Customer Relations  
Unitil Resources, Inc.  
TA Sources  
6 Liberty Lane West  
Hampton, NH 03842-1720

Lori Horn  
Manager  
ShIPLEY Energy Company, Inc.  
550 East King Street  
P.O. Box 946  
York, PA 17405

Walter W. Moore, President  
Affiliated Power Purchasers, Inc.  
224 Phillip Morris Drive, Suite 402  
Salisbury, MD 20804-2001

Conedison Solutions, Inc.  
701 Westchester Avenue  
Suite 201 West  
White Plains, NY 10604

Anthony Cusati  
ACN Energy Inc.  
32991 Hamilton Court  
Farmington Hills, MI 48334

Brent Beerley  
Vice President  
Community Energy Inc.  
150 Strafford Avenue Suite 110  
Wayne, PA 19087

South Jersey Energy Co.  
#1 South Jersey Plaza  
Route 54  
Folsom, NJ 08037

Washington Gas Energy Services  
1100 H Street NW  
12<sup>th</sup> Floor  
Washington, DC 20080

Glen R. Waisner, Vice President  
Gary A. Jeffries, Esquire  
Dominion Retail, Inc.  
1201 Pitt Street  
Pittsburgh, PA 15221

Nadia Adawi  
Director of Operations  
Energy Cooperative Association of Pa  
1218 Chestnut St. Suite 1003  
Philadelphia, PA 19107

Matt Sommer  
ShIPLEY Energy Company, Inc.  
P.O. Box 946  
York, PA 17405

Thomas Augspurger  
New Energy Ventures  
800 Boylston Street  
Boston, MA 02199-8001

Energy Management resources of Missouri, Inc.  
700 South 291 Highway  
Suite 208  
Liberty, MO 64068-2239

PA Utilipro Solutions, Inc.  
259 N. Radnor-Chester Road  
Radnor, PA 19087-1075

Coral Power LLC  
909 Fannin Suite 700  
Houston, TX 77010

Tractebel Energy Services, Inc.  
333 Thornall Street  
Sixth Floor  
Edison, NJ 08837

David Huff  
FirstEnergy Solutions Corporation  
395 Ghent Road  
Room 315  
Akron, OH 44333-2678

Caryn Bacon, Manager  
Sandra Guthorn, Esquire  
Wayne Hudders, Senior Analyst  
PEPCO Energy Services, INC  
1300 N 17<sup>th</sup> Street Suite 1660  
Arlington, VA 22209

Glenda Roselle, Paralegal  
Green Mountain Energy Company  
3815 Capital of Texas Highway South  
Suite 100  
Austin, TX 78704

Total Gas and Electricity (PA) LLC  
510 Thornall Street  
Suite 270  
Edison, NJ 08837-2207

David R. Peloquin, Counsel  
Richard M. Early, Senior Counsel  
Select Energy  
107 Selden Street  
Berlin, CT 06037

Brian R. Rich, President  
Jack Rich Inc.  
TA JRI Energy Systems  
617 Altamont Blvd.  
Frackville, PA 17931

Continental Cooperative Services  
Legal Section  
212 Locust Street  
P.O. Box 1266  
Harrisburg, PA 17108

Joseph S. Solomon  
President  
Provident Energy Consulting  
P.O. Box 49  
Media, PA 19063-1760

Frank J. Richards  
The Richards' Energy Group  
3901 Nolt Road Building #1  
Landisville, PA 17538

Loren Altshuler  
Energy Marketing  
Amerada Hess Corporation  
1 Hess Plaza, 12<sup>th</sup> Floor  
Woodbridge, NJ 07095

Jon Loercher  
Electricity Manager  
Worley & Obetz, Inc.  
85 White Oak Road  
P.O. Box 429  
Manheim, PA 17545

Daniel J. Desmond  
Deputy Secretary  
Office of Energy and Technology Development  
Pa Department of Environmental Protection  
P.O. Box 2063  
Harrisburg, PA 17105-2036

John Barthrop, Esquire  
Commonwealth Energy Corporation  
600 Anton Blvd  
Floor 20  
Costa Mesa, CA 92626-7221

Donald J. Winslow  
PPM Energy  
1125 NW Couch Suite 700  
Portland OR 97209

J. M Zaiontz  
Manager Regulatory Affairs  
501 West Lake Park Boulevard  
Room 4 328  
Houston, TX 77079

Edward A. Freeman  
Vice President  
Utilicorp Energy Management  
20 West 9th Street  
Kansas City, MO 64105

Brendan P. Bovaird, Esquire  
UGI Energy Services Inc.  
460 North Gulph Road  
King of Prussia, PA 19406

Don Liddell  
Sempra Energy Solutions  
101 Ash Street HQ 10  
San Diego, CA 92101

Robert J. McCafferty, Jr.  
It's Electric & Gas LLC  
630 Fairview Road, Suite 205  
Swarthmore, PA 19081

Saul Horowitz, President  
Econergy PA Inc.  
286 N Main Street Suite 2F1  
Spring Valley, MY 10977-.728

Robert K. Bosch, Executive  
WPS Energy Services, Inc.  
1088 Springhurst Drive  
Green Bay, WI 54304

David Kleppinger, Esquire  
McNees Wallace & Nurick, LLC  
100 Pine Street, P.O. Box 1166  
Harrisburg, PA 17108-1166

J. Michael Love, Esquire  
Donna Clark, Esquire  
Energy Association of Pennsylvania  
800 North Third Street  
Suit 301  
Harrisburg, PA 171032-2025

Nathan Wilcox  
Pennenvironment Energy & Clean Air  
1334 Walnut Street  
Sixth Floor  
Philadelphia, PA 19107

Janine Durand Senior Counsel  
PJM Interconnection, LLC  
955 Jefferson Ave  
Valley Forge Corporation Center  
Norristown, PA 19403-2497

John Hanger  
Citizens for Pennsylvania Future  
610 North Third Street  
Harrisburg, PA 127101-1113

Joseph Minott, Esquire  
Pennsylvania Clean Air Council  
135 South 19<sup>th</sup> Street Suite 300  
Philadelphia, PA 19103

Doug Biden, President  
Electric Power Generation Association  
800 North Third Street  
Suit 303  
Harrisburg, PA 17102

Steve Brame, Esquire  
David J. Dulick, Esquire  
Pennsylvania Rural Electric Association  
212 Locust Street  
P.O. Box 1266  
Harrisburg, PA 17108-1266

Black & Veatch  
The Curtis Center Suite 550 W  
601 Walnut Street  
Philadelphia, PA 19103

Eric Matheson  
Constellation New Energy  
855 Williamsburg Boulevard  
Downingtown, PA 19355

Richard Rathvon  
Mid-Atlantic Power Supplier Association  
P.O. Box 6089  
Harrisburg, PA 17112

Pam Witmer  
Pa Chemical Industry Council  
200 North Third Street  
Tenth Floor  
Harrisburg, PA 17101

Billie Ramsey  
ARIPPA  
2015 Chestnut Street  
Camp Hill, PA 17011

Kenneth B. Kephart  
Professor of Animal Science  
Pennstate College of Agricultural Science  
324 Henning Building  
University Park, PA 16802

James D. Warner, Executive Director  
Lancaster County Solid Waste Management  
Authority  
1299 Harrisburg Pike  
P.O. Box 4425  
Lancaster, PA 17604

Dennis J. Buckley, Esquire  
Klett, Rooney, Lieber & Schorling, PC  
240 North Third Street, Suite 700  
Harrisburg, PA 17101

Lisa M. Decker, Esquire  
Constellation Energy Group, Inc.  
111 Market Place, Suite 500  
Baltimore, MD 21202

Kevin J. Moody, Esquire  
Wolf, Block, Schorr & Solis-Cohen, LLP  
212 Locust Street, Suite 300  
Harrisburg, PA 17101

Thomas Rawls  
PPL Energy  
1209 Tyler Bridge Road  
Bristol, VT 05443

Pat Stanton  
Ashley Mason  
Conservation Services Group, Inc.  
40 Washington Street  
Westborough, MA 01591

Bruce Curatola  
AES  
394 Frankford Road  
Monala, PA 15061

Carl Shaffer, President  
Caressa Crone; Jim Harbach  
Pennsylvania Farm Bureau  
510 South 31<sup>st</sup> Street  
P.O. Box 8736  
Camp Hill, PA 17001-8736

Bob Gasull  
481 Foose Ridge Road  
Elliottsburg, PA 17024

Mark C. Hammond  
Drink, Biddle & Reath, LLP  
One Logan Square  
18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103

Kevin Warren, P.E.  
Warren Energy Engineering, LLC  
307 Baker Drive  
Lincoln University, PA 19352

Sherman Elliott  
Manager/State Regulatory Affairs  
Midwest ISO  
920 S. Spring Street  
Springfield, IL 62704

Corey A. Brandt, Environmental Director  
P H Glatfelter Company  
228 South Main Street  
Spring Grove, PA 17362

Suzanne Madden  
Director State Government Affairs  
American Forest & Paper Association  
1111 19<sup>th</sup> Street, N.W., Suite 800  
Washington, D.C. 20036

James A. Gede, Jr., Esquire  
Hogan & Hartson, LLP  
111 South Calvert Street, Suite 1600  
Baltimore, MD 21202

Stephen Poje  
River Hill Power Company  
94 Spruce Street  
Indiana, PA 15701

Frank A. Magnotti  
Comverge, Inc.  
120 Eagle Rock Avenue  
Suite 190  
East Hanover, NJ 07936

Mike Pawdry  
Earthres Group  
P.O. Box 468  
7137 Old Easton Road  
Pipersville, PA 18947

John E. Laudenslager, Manager  
Government Relations  
Duquesne Light Company  
411 Seventh Avenue, 8-1  
Pittsburgh, Pa 15219

Joseph J. Kerecman, Vice President PJM  
Environmental Information Services  
955 Jefferson Avenue  
Valley Forge Corporation Center  
Norristown, PA 19403-2497

Byron E. Ross  
State Director  
U.S. Dept of Agriculture  
One Credit Union Place, Suite 330  
Harrisburg, PA 17110-2996

Daniel P. Delaney  
Kirkpatrick & Lockhart Nicholson Graham  
240 North Third Street  
Harrisburg, PA 17101-1507

Christopher R. Cook  
Sun Edison  
2 East Read Street  
Baltimore, MD 21201

Ruben S. Brown Mald, President  
The Joint Supporters  
The E Cubed Company, LLC/Joint Supporters  
1700 York Avenue, Suite B-2  
New York, NY 10012

Scott F. Boyce  
Vice President Finance & Administration  
Wellsboro Electric Company  
33 Austin Street  
Wellsboro, PA 16901-0138

Department of Environmental Protection  
Northeast Region Office  
2 Public Square  
Wilkes-Barre, PA 18711-0790

John Morris  
Energy Information Systems  
On-Demand Energy, Inc.  
300 Corporate Drive, Suite 130  
P.O. Box 869  
Moon Township, PA 15108

David Magnus Boonin, President  
TBG Consulting  
1210 Pine Street  
Philadelphia, PA 19107-5906

Jeff Kossak, Esquire  
Arlington Associates  
730 Fifth Avenue, Suite 1901  
New York, NY 10019

Colin Murchie  
Director of Government Affairs  
Pennsylvania Small Generator Coalition  
Solar Energy Industries Association  
805 15<sup>th</sup> Street, N.W., Suite 510  
Washington, D.C. 20005

Patricia Armstrong, Esquire  
Thomas Niesen, Esquire.  
Thomas, Thomas, Armstrong & Niesen  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
Counsel For: ARIPPA

David G. Wagner, PhD.  
Registered Professional Engineer  
DGW & Associates-Consulting Engineers  
363 Ridge Avenue  
State College, PA 16803

William Campbell  
P.O. Box 7955  
Philadelphia, PA 19101-7955

Lawrence W. Plitch  
Vice President & General Counsel  
Thermalsource, LLC  
890 Winter Street, Suite 170  
Waltham, MA 01451

Mara Burke  
Adrian Pye  
Energy America LLP  
25 Sheppard Avenue West  
Suite 1400  
Toronto Ontario CA 9999  
(Zip is M2N 6S6)

Allegheny Energy Supply  
800 Cabin Hill Drive  
Greensburg, PA 15601

Thomas P. Brogan Counsel  
Kleet Rooney Lieber & Schorling  
240 North third Street, Suite 700  
Harrisburg, PA 17101-1503

D. Fontaine, Esquire  
S. Mitchell, Esquire  
C. O'Connor, Esquire  
Waste System Authority Eastern Montgomery  
County  
457 Haddonfield Road  
P.O. Box 5459  
Suite 300, Libertyview  
Cherry Hill, NJ 08002-2220

Adrian D. Newall  
Assistant General Counsel  
2301 Market Street, S23-1  
PECO Energy Company  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Joseph L. Vullo, Esquire  
Commission on Economic Opportunity  
1460 Wyoming Avenue  
Forty Fort, PA 18704

Mark Pauley  
Granger Energy  
16980 Wood Road  
Lansing, MI 48096-1044

Michael Castonguay  
Peter Wallis, Vice President  
Ameresco, Inc.  
111 Speen Street  
Suite 410  
Framingham, MA 01701

Dan Delurey  
Executive Director  
Demand Response/Advanced Metering Coaltn  
1615 M Street, N.W., Suite 900  
Washington, D.C. 20036

Anthony C. Adonizio, Esquire  
Central Electric Cooperative Inc.  
250 North 24<sup>th</sup> Street  
Camp Hill, PA 17011

Larry S. Adams  
CEO & General Manager  
Central Electric Coop, Inc.  
P.O. Box 329  
Route 368 East  
Parker, PA 16049

Richard Mattocks, Principal  
Environomics, LLC  
2517 Route 44 11-221  
Salt Point, NY 12578

Christopher J. Masciantonio, Director  
United States Steel Corporation  
Public Policy & Government Affairs  
600 Grant Street, Room 685  
Pittsburgh, PA 15219-2800

Robert M. Strickler, Attorney  
Griffith, Strickler, Lerman, Solymos, Calkin  
110 South Northern Way  
York, PA 17402-3737

Benjamin L. Willey, Counsel  
York County Solid Waste/Refuse Authority  
7272 Wisconsin Avenue, Suite 300  
Bethesda, MD 21804

Jim Stover  
Northern Power Systems  
182 Mad River Park  
Waitsfield, VT 05673

Mike Enwall  
ActionPA  
1434 Elbridge Street  
Philadelphia, PA 19149

Linda McKenna Boxx  
Edward Johnstonbaugh  
West Penn Power Sustainable Energy Fund  
450 South Main Street, Suite 6  
Greensburg, PA 15601

Todd S. Stewart, Counsel  
Hawke, McKeon, Sniscak & Kennard, LLP  
100 North Tenth Street, P.O. Box 1778  
Harrisburg, PA 17105-1778

David Hughes, Executive Director  
Demand Response/Advanced Metering Coaltn  
P.O. Box 957  
Winchester, MA 10890

Eloise J. Frazier  
Pepper Hamilton LLP  
P.O. Box 1181  
Harrisburg, PA 17108-1181

Amy M A Klodowski, Senior Attorney  
Allegheny Energy Supply Company LLC  
4350 Northern Pike  
Monroeville, PA 15146-2841

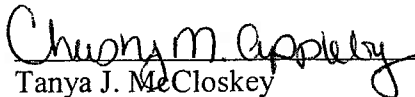
Roger E. Clark  
Sustainable Development Fund  
Cast Iron Building - Suite 300 North  
718 Arch Street  
Philadelphia, PA 19106-1591

Daniel R. Lispi  
DRL Consulting & Development  
The Harrisburg Authority  
200 Locust Street  
Suite 400  
Harrisburg, PA 17101

Linda R. Evers, Esquire  
Kent Hatt, Esquire  
Met-Ed Penelec & Penn Power  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001

Pamela C. Polacek, Counsel  
McNees Wallace & Nurick, LLC  
100 Pine Street, P.O. Box 1166  
Harrisburg, PA 17108

L G Spielvogel, PE  
Lawrence G. Spielvogel, Inc  
21506 Valley Forge Circle  
King of Prussia, PA 19406

  
Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
Christy M. Appleby  
Assistant Consumer Advocate

Counsel for  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048  
00085554.DOC