

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL REGULATORY COMMISSION

Application By American Electric Power	)	
Service Corporation, Commonwealth	)	
Edison Company and Commonwealth	)	
Edison Company of Indiana, Inc. and	)	Docket No. EL05-74-000
The Dayton Power and Light Company	)	
To Recover PJM Expansion Expenses	)	
Under the PJM Tariff	)	

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MOTION TO INTERVENE OF THE  
JOINT CONSUMER ADVOCATES

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Pursuant to Rules 212 and 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 214, the Pennsylvania Office of Consumer Advocate ("Pa. OCA"), the Maryland Office of the People's Counsel ("MPC"), and the District of Columbia Office of the People's Counsel ("DC OPC") (herein designated as "Joint Consumer Advocates"), move to intervene in the above-captioned proceeding. Joint Consumer Advocates also file this Protest to the Application filed by American Electric Power ("AEP"), Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. ("ComEd"), and Dayton Power and Light Company ("Dayton")(collectively "Companies") to recover PJM Expansion Expenses under the PJM Open Access Transmission Tariff. In support of this Motion, Joint Consumer Advocates submit as follows:

1. The Pa. OCA is a state office empowered by state statute to represent the interests of consumers of utility services in the Commonwealth of Pennsylvania in proceedings before the Pennsylvania Public Utility Commission, similar federal agencies and state and federal courts.

The name, address, telephone, facsimile and e-mail address of the Pa. OCA's representative authorized to receive service are:

Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17101-1923  
Telephone: (717) 783-5048  
Facsimile: (717) 783-7152  
E-mail: [tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)

2. The Maryland Office of People's Counsel is an independent state agency established to represent the interests of residential consumers in utility cases. Pursuant to Maryland Public Utility Companies Article Section 2-205(b) (2003), the People's Counsel "may appear before any federal or state unit to protect the interests of residential...users [of gas, electricity, telephones, or water and sewage]." The name, address, telephone, facsimile and e-mail address of the MD OPC's designated representative for receipt of service are:

William F. Fields  
Assistant People's Counsel  
Maryland Office of People's Counsel  
6 St. Paul Street, Suite 2102  
Baltimore, Maryland 21202  
Telephone: (410) 767-8150  
Facsimile: (410) 333-3616  
E-mail: [BillF@opc.state.md.us](mailto:BillF@opc.state.md.us)

3. DC OPC is an independent agency of the District of Columbia government and is the statutory representative of District of Columbia consumers in public utility issues in proceedings before the District of Columbia Public Service Commission, federal regulatory agencies and state and federal courts. The name, address, phone number, facsimile number and e-mail address of the D.C. OPC's designated recipient for service are as follows:

Sandra Mattavous-Frye, Deputy People's Counsel  
Lopa Parikh, Esq.  
Office of People's Counsel of the District of Columbia  
1133 15<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20005  
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4. On March 8, 2005, AEP, ComEd, and Dayton made a filing pursuant to Section 206 of the Federal Power Act, 16 U.S.C. § 824e, seeking to recover PJM Expansion Expenses under the PJM Open Access Transmission Tariff. The Companies requested an order accepting the proposed Schedule 13, Expansion Cost Recovery Charges, to become effective on May 1, 2005. Through Schedule 13, the Companies seek to recover non-capital expenses, incurred by PJM and funded by the Companies, to develop the systems and infrastructure necessary to integrate the Companies and Dominion Virginia Power ("Dominion") into PJM ("PJM Expansion Expenses"). The rate contained in Schedule 13 is designed to recover PJM Expansion Expenses, plus carrying charges, over a ten year period. Schedule 12 would be applied by PJM to all energy deliveries to load within the PJM region.

#### **INTERVENTION**

5. The Pennsylvania General Assembly passed a statute in December, 1996 opening up the Pennsylvania retail electric supply market to competition beginning January 1, 1999. 66 Pa. C.S. §§ 2801, *et seq.* (1999). By January 1, 2001, all Pennsylvania retail electric consumers, including all of the retail electric consumers served by the Pennsylvania electric utilities operating in PJM, obtained the right to choose their electric generation supplier. As a result of the introduction of retail electric competition in Pennsylvania, retail electric consumers have the opportunity to be served by suppliers who operate within PJM and the Midwest ISO. Electric

utilities subject to the Pa. PUC's jurisdiction, as well as alternative suppliers, are load-serving entities in PJM and the Midwest ISO.

6. In January 1999, the Maryland General Assembly passed the Electric Choice and Competition Act of 1999. Maryland Public Utility Companies Code Annotated, Section 7-501, et seq. (2003). This act constitutes competition for retail electric service beginning July 1, 2000. Retail customers in Maryland purchase electricity from suppliers that operate in the PJM market.

7. In December 1999, the City Council of the District of Columbia passed the Retail Electric Competition and Consumer Protection Act of 1999. D.C. Code § 34-1501, *et. seq.* (2001). The Act provides for implementation of competition for retail electric service in the District of Columbia no later than January 1, 2004, leaving the precise date for implementation to be set by the Public Service Commission of the District of Columbia. By Order No.11796 the Public Service Commission set January 1, 2001 as the implementation date for retail competition in the District of Columbia. Suppliers operating in the PJM market serve retail customers in the District of Columbia. These suppliers and the electric utilities serving D.C. retail consumers buy and/or sell capacity in PJM's market.

8. PJM is a Regional Transmission Organization ("RTO") managing the transmission systems of electric utilities, *i.e.* the PJM TOs, in Pennsylvania, New Jersey, Maryland, Delaware, and the District of Columbia, and through PJM West, portions of Virginia, West Virginia, Illinois, Michigan, Indiana, Kentucky and Ohio.

9. The Joint Consumer Advocates represent the interests of retail consumers in the District of Columbia, Maryland and Pennsylvania who receive their energy from load serving entities within PJM. These load serving entities will be required to pay the Schedule 13 charges

if approved. Thus, the filing in this docket has the potential to affect the interests of the retail consumers the Joint Consumer Advocates represent.

10. No other party can adequately represent the interests of the Joint Consumer Advocates in this proceeding. The load serving entities such as utilities and alternative suppliers who supply retail service to retail consumers in Pennsylvania and Maryland have a number of interests to protect, including the interests of the private investors who are shareholders in their corporations. The state utility commissions likewise have a number of interests to represent in this proceeding, including the broader public interest. The wide array of interests represented by these other parties can, and sometimes does, conflict with the narrower array of consumer interests represented by the Joint Consumer Advocates.

11. The Commission noticed the March 8, 2005 filing in this docket requiring that all protests and motions to intervene be filed by March 29, 2005. This Motion is timely filed.

WHEREFORE, the Joint Consumer Advocates respectfully request that that they be permitted to intervene.

Respectfully submitted,

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Tanya J. McCloskey  
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Office of Consumer Advocate  
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Continued for signature:

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Sandra Mattavous-Frye  
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(202) 727-3071

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of March 2005, a copy of the forgoing Motion to Intervene and Protest of the Joint Consumer Advocates was mailed first-class, postage-prepaid to each person designated on the official service list compiled by the Secretary in these proceedings.

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William F. Fields  
Assistant People's Counsel  
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Baltimore, Maryland 21202  
(410) 767-8150

March 29, 2005

Honorable Magalie Roman Salas  
Office of the Secretary  
Federal Energy Regulatory Commission  
Dockets Room – Room 1A  
888 First Street, N.E.  
Washington, DC 20426

**Re: Docket No. EL05-74-000**

Dear Secretary Salas:

Attached is the Motion to Intervene of the Joint Consumer Advocates for electronic filing in the above-referenced proceeding.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

William F. Fields  
Assistant People's Counsel

WFF/mcm  
Enclosures  
cc: Service List