

January 7, 2004

Magalie Roman Salas, Secretary
Federal Energy Regulatory
Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: PJM Interconnection, L.L.C.
Docket Nos. ER04-156-000,
ER04-156-001,
and EL04-41-000
(Consolidated)

Dear Secretary Salas:

Please find for e-filing, the Office of the People's Counsel of the District of Columbia's Motion to Intervene in the above referenced proceeding. Copies of this document have been served upon all parties designated on the Commission's official service list, in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure.

Very truly yours,

- Filed electronically -

Lopa B. Parikh
Assistant People's Counsel

Enclosure

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Allegheny Power System Operating	:	Docket Nos.	ER04-156-000
Companies: Monongahela Power	:		ER04-156-001
Company, The Potomac Edison	:		EL04-41-000
Company, and West Penn Power	:		(Consolidated)
Company, all doing business as	:		
Allegheny Power;	:		
The PHI Operating Companies: Potomac	:		
Electric Power Company, Delmarva	:		
Power & Light Company, and	:		
Atlantic City Electric Company;	:		
Baltimore Gas & Electric Company;	:		
Jersey Central Power & Light Company;	:		
Metropolitan Edison Company;	:		
Pennsylvania Electric Company;	:		
PECO Energy Company;	:		
PPL Electric Utilities Corporation;	:		
Public Service Electric & Gas Company;	:		
Rockland Electric Company; and	:		
UGI Utilities, Inc.	:		

OFFICE OF THE PEOPLE’S COUNSEL OF THE DISTRICT OF COLUMBIA’S
MOTION TO INTERVENE OUT OF TIME

Pursuant to Sections 210, 212 and 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.210, 385.212 and 385.214, the Office of the People’s Counsel of the District of Columbia (“DC OPC”) respectfully requests leave to intervene out of time in this proceeding. In support of its Motion to Intervene, DC OPC submits the following:

1. 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.

2. The name, address, phone number, facsimile number and e-mail address of the D.C. OPC's designated recipient for service are as follows:

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3. On November 4, 2003, Allegheny Power System Operating Companies (Monongahela Power Company, The Potomac Edison Company and West Penn Power Company, all doing business as Allegheny Power); The PHI Operating Companies (Potomac Electric Power Company, Delmarva Power & Light Company and Atlantic City Electric Company); Baltimore Gas and Electric Company; Jersey Central Power & Light Company; Metropolitan Edison Company; Pennsylvania Electric Company; PECO Energy Company; PPL Electric Utilities Corporation; Public Service Electric and Gas Company; Rockland Electric Company; and UGI Utilities, Inc. (hereinafter collectively referred to as Applicants), filed a new Schedule 12A to the Open Access Transmission Tariff (OATT) of PJM Interconnection, L.L.C. proposing formula rates to calculate surcharges under Schedule 12 of the PJM tariff approved in Docket No. RT01-2-006 by orders dated July 24, 2003 and October 24, 2003. 104 FERC ¶ 61,124 (July 24, 2003) and 105 FERC ¶ 61,123 (October 24, 2003). On November 5,

2003, Applicants filed additional, supporting exhibits to be included in the November 4 filing. Schedule 12 implements a surcharge mechanism that allows Applicants to recover the costs of any transmission investment PJM might order one or more of the Applicants to undertake for reliability purposes or to resolve economic congestion on the grid managed and operated by PJM. Applicants request that the tariff sheets be accepted to be effective January 4, 2004.

4. PJM is an Independent System Operator ("ISO") operating the electric transmission systems of several electric utilities in the mid-Atlantic region, including the facilities of the Potomac Electric Power Company ("PEPCO") which is an electric utilities providing electric supply, transmission and distribution services to retail electric consumers in the District of Columbia.

5. 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 section 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 will serve all retail customers in the District of Columbia. Since January, 2001, PEPCO's retail consumers have had the opportunity to choose their supplier of electric generation services. Some retail consumers have switched suppliers, while most others have remained customers of PEPCO. Whether these retail consumers have switched or not, they remain dependent on PEPCO for distribution and transmission services.

6. DC OPC represents the interests of retail consumers in the District of Columbia, who receive their energy from load serving entities within PJM. Thus, PJM's filing may affect the interests of the retail consumers that DC OPC represents.

7. DC OPC represents the interests of these retail consumers. No other party to this proceeding can represent these interests. The electric utility that serves District of Columbia consumers must represent the interests of their shareholders, which sometimes can conflict with the interests of small retail consumers. Additionally, the District of Columbia Public Service Commission represents the public interest in the District, which includes interests broader than those represented by the DC OPC. Consequently, the DC OPC must be allowed to participate in this proceeding in order to ensure that the interests of retail consumers in the District of Columbia are adequately represented.

8. The Commission's January 5, 2004 Notice of Initiation of Proceedings provided notice that the Commission on January 2, 2004 initiated a proceeding in Docket No. EL04-41-000 under Section 206 of the Federal Power Act.

9. This Motion to Intervene is being made upon being provided notice of the new proceeding. Good cause exists to grant late intervention. First, no party will be prejudiced by the intervention. Second, DC OPC accepts the record as it stands. Third, DC OPC's participation in these proceedings is essential to DC OPC's ability to adequately represent the interests of retail consumers in the District of Columbia and no other party can adequately represent these interests.

10. For the foregoing reasons, the DC OPC requests that the Commission grant this Motion for Late Intervention and to accept its Protest in support of those filed by Joint Consumer Advocates in this docket on January 31, 2003.

Respectfully Submitted,

Filed electronically

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On behalf of:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by U.S. mail postage prepaid.

Dated at Washington D.C. this 7th day of January 2004.

Filed electronically

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