

June 17, 2005

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

RE: PJM Interconnection, L.L.C.  
Docket No. EL05-121-000

Dear Secretary Salas:

Enclosed for e-filing is the Motion to Intervene of The Joint Consumer Advocates, in the above-referenced proceeding.

Sincerely,

*/s/ filed electronically*

Tanya J. McCloskey  
Senior Assistant Consumer Advocates  
Aron Beatty  
Assistant Consumer Advocate

Theresa V. Czarski, Esq.  
Deputy People's Counsel  
William F. Fields, Esq.  
Assistant People's Counsel

Sandra Mattavous-Frye  
Deputy People's Counsel  
Lopa Parikh  
Assistant People's Counsel  
Office of the People's Counsel for the  
District of Columbia

Enclosure

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL REGULATORY COMMISSION

PJM Interconnections, L.L.C. : EL05-121-000

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MOTION TO INTERVENE  
OF THE JOINT CONSUMER ADVOCATES

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Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214, the Pennsylvania Office of Consumer Advocate ("Pa. OCA"), the Maryland Office of People's Counsel ("MPC"), and the Office of the People's Counsel for the District of Columbia ("DC OPC") (herein designated as "Joint Consumer Advocates"), move to intervene in the above-captioned proceedings. 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, Esq.  
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Aron Beatty, Esq.  
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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  
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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:

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4. On January 31, 2005, several Transmission Owners (“TOs”) in the PJM Interconnection, L.L.C., a Regional Transmission Organization (“RTO”) managing the electric transmission systems of electric utilities throughout the Mid-Atlantic and Mid-Western regions of the nation, submitted a filing setting forth an intra-PJM rate design pursuant to the settlement agreement filed on May 26, 2004 in Docket No. ER04-156-000, et al. Those TOs include the electric utilities often classified as the PJM Classic TOs, consisting of Allegheny Power System Operating Companies, *i.e.* Monongahela Power Company, Potomac Edison Company, and West Penn Power Company, all d/b/a Allegheny Power; PHI Operating Companies, *i.e.* 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; PECO Energy Company; Pennsylvania Electric Company; PPL Electric Utilities Corporation; Public Service Electric & Gas Company; Rockland Electric Company; and UGI Utilities, Inc.

5. The PJM Classic TOs submitted this filing pursuant to a commitment undertaken as part of the May 26, 2004 Settlement in Docket No. ER04-156-000 *et al.* requiring them to address by January 31, 2005 whether the existing license plate rate design in the PJM footprint should be changed after May 31, 2005, and if so, to suggest an alternative rate design. *Allegheny Power System Operating Companies, et al.*, 108 FERC ¶ 61,167 (2004). They recommend in the filing that the existing license plate rate design be retained until February 1, 2008 at which time the question of the appropriate intra-RTO rate design for PJM could be considered in tandem with the appropriate intra-RTO rate design for the Midwest Independent Transmission System Operator, Inc., an RTO managing the transmission systems of numerous electric utilities in the Mid-Western region of the nation. On November 18, 2004, the Commission issued an order

resolving certain rate seams issues for transactions between PJM and MISO, and approving the continued use of license plate rates in PJM and MISO through January 31, 2008. *Midwest Independent Transmission System Operator, Inc., et al.*, 109 FERC ¶ 61,168 (2004). Because the issue of intra-RTO rate design for these two RTOs is intertwined with the issue of a regionalized rate design for these two entities, the PJM Classic TOs request that the intra-RTO rate issue is best revisited in tandem with the inter-RTO rate design issue in 2008.

6. On May 31, 2005, the Commission issued an Order establishing a hearing under section 206 of the Federal Power Act to examine whether continuing PJM's modified zonal rate design is just and reasonable.

### **INTERVENTION**

7. 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.

8. 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. Maryland retail customers purchase electricity from suppliers that operate in the PJM market.

9. 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.

10. The PJM Classic TOs are electric utilities that provide service to retail consumers throughout the states of Pennsylvania, Maryland, New Jersey, Delaware, West Virginia, Ohio and the District of Columbia.

11. 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.

12. The Midwest ISO is an RTO managing the transmission systems of many electric utility members across the Midwest, *i.e.* the Midwest TOs.

13. 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 purchase power from market participants in PJM and transport that power to retail consumers over the transmission systems owned by the

PJM Classic TOs and managed by PJM. Thus, this filing has the potential to affect the interests of the retail consumers the Joint Consumer Advocates represent.

14. No other party can adequately represent the interests of the Joint Consumer Advocates in this proceeding. The electric utilities that serve District of Columbia, Maryland and Pennsylvania consumers must represent the interests of their shareholders, which sometimes can conflict with the interests of small retail consumers. Additionally, the public service commissions represent the public interest in the District of Columbia, Maryland and Pennsylvania, which includes interests broader than those represented by Joint Consumer Advocates. Consequently, Joint Consumer Advocates must be allowed to participate in this proceeding in order to ensure that the interests of retail consumers in the District of Columbia, Maryland and Pennsylvania are adequately represented.

WHEREFORE, Joint Consumer Advocates respectfully request that the Commission grant them intervenor status in this docket.

Respectfully submitted,

*/s/ filed electronically*

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**CERTIFICATE OF SERVICE**

RE: PJM Interconnection L.L.C. : Docket No. EL05-121-000

I hereby certify that I have this date served the foregoing document upon each person designated on the official service list compiled by the Secretary in the above-referenced proceeding, in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Washington D.C. this 17<sup>th</sup> day of June 2005.

Respectfully submitted,

*/s/ filed electronically*

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