

August 2, 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. EL04-121-000

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

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.

:

EL04-121-000

MOTION TO INTERVENE
OUT OF TIME
OF THE JOINT CONSUMER ADVOCATES

Pursuant to Sections 212 and 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 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"), respectfully requests leave to intervene out of time in this proceeding. 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.
Senior Assistant Consumer Advocate
Aron Beatty, Esq.
Assistant Consumer Advocate
Stephen Keene
Assistant Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048

Facsimile: (717) 783-7152
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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
Facsimile: (410) 333-3616
E-mail: 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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Lopa Parikh
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Office of People's Counsel of the District of Columbia
1133 15th Street, N.W., Suite 500
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INTERVENTION

4 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.

5. 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.

6. 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.

7. 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.

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 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.

10. On July 5, 2005, the Commission issued an Order consolidating EL03-236-004, EL03-236-005, EL03-236-006 and EL04-121-000 and setting the cases for hearing. Joint Consumer Advocates have previously intervened and participated actively in EL03-236-000, so no party will be harmed by Joint Consumer Advocates late intervention in this docket.

11. 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 their request to intervene out of time in this docket.

Respectfully submitted,

/s/ filed electronically

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CERTIFICATE OF SERVICE

RE: PJM Interconnection L.L.C. : Docket No. EL04-121-000

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 2nd day of August 2005.

Respectfully submitted,

/s/ filed electronically

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