



March 15, 2017

Ms. Ingrid Ferrell
Executive Secretary
West Virginia Public Service Commission
201 Brooks Street
Charleston, WV 25301

03/15 09:47 AM MAR 15 2017 PSC EXEC SEC DIV

Re: *Monongahela Power Company and
Potomac Edison Company
No. 17-0296-E-PC*

Dear Ms. Ferrell:

Enclosed for filing in the above-styled and numbered consolidated case, please find the original and twelve (12) copies of **Petition to Intervene by West Virginia Solar United Neighborhoods and West Virginia Citizen Action Group**. Copies have been served on all parties of record.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Emmett Pepper', written over a horizontal line.

Emmett Pepper
(W.Va. State Bar #12051)

Enclosures.
cc: Service List

WEST VIRGINIA-CITIZEN ACTION GROUP
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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

MONONGAHELA POWER COMPANY and)
THE POTOMAC EDISON COMPANY,) Case No. 17-0296-E-PC
Petition for Approval of a Generation Resource)
Transaction and Related Relief)
)

PETITION TO INTERVENE BY
WEST VIRGINIA SOLAR UNITED NEIGHBORHOODS
AND WEST VIRGINIA CITIZEN ACTION GROUP

Pursuant to Rule 12.6 of the Public Service Commission's Rules of Practice and Procedure, the Community Power Network/West Virginia Solar United Neighborhoods and West Virginia Citizen Action Group (collectively, "Citizen Groups") hereby petition to intervene in the above-captioned proceeding. The Citizen Groups state the following in support of this petition:

1. The name and address of Citizen Groups' attorney is as follows:

Emmett Pepper
W. Va. Bar No. 12051
West Virginia Citizen Action Group
1500 Dixie Street
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2. On March 7, 2017, Monongahela Power Company ("Mon Power") and The Potomac Edison Company (collectively, the "Companies") filed with the Commission a Petition for Approval of a Generation Resource Transaction and Related Relief ("Pet.").

3. In their Petition, the Companies request, *inter alia*, that the Commission approve Mon Power's purchase of the Pleasants Power Station from Allegheny Energy Supply Company,

LLC, another FirstEnergy Corp. subsidiary. Because the Companies cannot purchase a generation asset without prior Commission approval, and because the Commission must also consent before Mon Power can enter into a contract with a corporate affiliate, the Companies request that this transaction be approved pursuant to West Virginia Code §§ 24-2-12(c) and (f). Such transactions may be approved if there is a “proper showing that the terms and conditions thereof are reasonable and that neither party thereto is given an undue advantage over the other, and do not adversely affect the public in this state.” *Id.* § 24-2-12. The Companies also seek approval of the proposed transaction under Sections 24-2-2 and -3. *See id.* § 24-2-2 (authorizing the Commission to “investigate all rates, methods and practices of public utilities”); *id.* § 24-2-3(a)-(c) (empowering the Commission to determine just and reasonable rates, and directing the Commission to “investigate and review transactions between utilities and affiliates”).

4. West Virginia Citizen Action Group (“CAG”), a non-profit West Virginia corporation, seeks intervention because it has a strong interest in this proceeding. CAG seeks to ensure that the Companies’ resource decisions are based on accurate estimates of future energy and capacity needs, that such decisions adequately consider potential supply-side and demand-side resources that could fulfill forecasted energy and capacity needs, and that such decisions are reasonable and would not adversely affect West Virginia customers. Additionally, CAG has an interest in demand-side resources, which it advances through its Energy Efficient West Virginia initiative. In this case, CAG seeks to ensure that the Companies’ proposal is based on proper assumptions, and that the Companies properly evaluated alternatives to the proposed transaction. These steps will help ensure that clean energy options and demand-side resources such as energy efficiency are properly considered, and that the Companies avoid taking actions that could

burden West Virginia electricity customers with unreasonable costs or financial risks. CAG therefore has a legal interest in the subject matter of this case.

5. Moreover, CAG brings a unique perspective to this proceeding due to its extensive knowledge and deep interest in many of the issues raised by the Companies' proposed transaction. Indeed, CAG has participated in a wide range of proceedings – civil litigation, regulatory proceedings, and legislative matters – on behalf of West Virginia consumers for the last three decades. CAG has a special interest in matters before the PSC, and has participated in many proceedings related to different resource options, including coal-fired generation, energy efficiency and demand response. In recent years, CAG has intervened in several proceedings in an effort to encourage greater demand-side resources and prevent utilities' overreliance on increasing supply-side resources. CAG's expertise with these issues makes it uniquely situated to represent its organizational interests and the interests of its members.

6. The Community Power Network seeks intervention in this proceeding because it also has a unique interest in the Companies' proposed transaction. Community Power Network, a non-profit organization incorporated in D.C., is involved in West Virginia energy issues through its West Virginia Solar United Neighborhoods project. The Community Power Network's (hereinafter, "WV SUN") mission is to promote equity and access to solar energy in West Virginia by helping homeowners, businesses, and non-profits to go solar, and by promoting fair and equitable policy in support of solar energy and community-based renewables in general. WV SUN helps West Virginia communities form solar co-ops to go solar together. The co-op process allows homeowners to get discounts on their installation and to work collectively to improve important policies that impact their homes and livelihoods. WV SUN has implemented

multiple solar co-ops in West Virginia, including co-ops within the Companies' service territory. WV SUN's goals are affected by utility decisions that can impact the solar market in West Virginia. And WV SUN has a strong interest in the Companies' proposed transaction, which, if approved, would have a long-term impact on the mix of generation resources available to West Virginia customers. WV SUN therefore has a legal interest in the subject of this case.

7. In addition, WV SUN has detailed knowledge about how state policies, and utility practices and resource decisions, impact the economics of solar markets and development. WV SUN will bring its expertise, and unique perspective, to this proceeding.

8. The Citizen Groups' strong interest in the proposed transaction is underscored by their participation in the Companies' integrated resource plan ("IRP") proceeding. In that case, the Citizen Groups submitted detailed comments on the IRP, and expressed concern that the Companies were using the IRP process to lay the groundwork for the very transaction being proposed here. *See generally* Citizen Groups' Comments, Case No. 15-2002-E-IRP (Apr. 28, 2016). The Citizen Groups have also expressed concern about the request for proposals ("RFP") that preceded this Petition. *See* Letter from Consumer Advocate Division and Citizen Groups to West Virginia PSC (Jan. 31, 2017) (filed in Case No. 12-1571-E-PC). Because the Companies are proposing a major resource acquisition that relies on conclusions reached in the IRP, and following the above-mentioned RFP, the Citizen Groups' concerns are directly implicated in this case.

9. The Citizen Groups further request that the Commission hold both evidentiary and public hearings in this proceeding. *Cf.* Pet. at 22 (asking the Commission to "[w]aive hearing on this Petition if no meritorious protest is received"). The Citizen Groups have serious

concerns about the Companies' proposal, and evidentiary hearings are necessary to enable an adequate review of the proposed transaction and its potential impact on West Virginians.

Likewise, public hearings within the Companies' service territory are critical to ensure that those directly affected by the Companies' proposal have their voices heard. The Citizen Groups would protest any approval of the proposed transaction without robust evidentiary and public hearings.

10. In sum, the Citizen Groups have direct and significant concerns and interests in the subject matter of this proceeding, and their interests are not represented by any other party of record.

WHEREFORE, CAG and WV SUN respectfully request that the Commission grant this Petition to Intervene, and that they be made parties to this proceeding. CAG and WV SUN further request that the Commission conduct a hearing on the matters raised in this proceeding.

Dated: March 15, 2017

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing Petition to Intervene upon the following parties via e-mail. I also served a copy of the foregoing Petition to Intervene upon the following parties via U.S. Mail, first class, postage prepaid.

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Date: March 15, 2017



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