

Christopher Simmler

**OFFICIAL COPY**

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November 28, 2008

**FILED**

**DEC 01 2008**

Clerk's Office  
N.C. Utilities Commission

Ms. Renne Vance  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Dobbs Building  
Raleigh, NC 27603-5918

**Reference: Docket No. E-2 sub 936 "Progress Energy's Petition for Approval of Residential Home Energy Improvement Program"**

Dear Ms. Vance:

Enclosed for filing in the above-referenced docket are the original and 30 copies of Christopher Simmler's Petition to Intervene. By copy of this letter and enclosures I am serving the parties of record on the enclosed service list.

Truly yours,



Enclosures  
CC: Parties of record

Clerk's  
AG  
7 Comm  
Bennink  
Kirby  
Watson  
Hauer  
Kite  
Hilborn  
Sessions  
Erickson  
Jones  
ExDir  
3/3 Legal  
3/3 Acctg  
2/3 Elec Res  
3/3 Elec

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2 SUB 936

**FILED**

**DEC 01 2008**

Clerk's Office  
N.C. Utilities Commission

In the matter of:

Progress Energy's Petition for Approval  
of Residential Home Energy  
Improvement Program

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**CHRISTOPHER SIMMLER'S  
PETITION TO INTERVENE**

Pursuant to NCUC Rules R1-19 and R8-68(d), Christopher Simmler (Petitioner) files this petition to intervene in the above referenced docket.

**NATURE OF PETITIONER'S INTEREST IN THE SUBJECT MATTER:**

In support of his petition, Petitioner attests that he:

1. Is a Progress Energy Carolinas (PEC) residential customer residing at 7005 Wheat Mill Place, Raleigh, North Carolina 27613.
2. Is a consumer that can only purchase electricity through PEC.
3. Has an active interest in the promotion of Energy Efficiency (EE), Demand Side Management (DSM) and Air Quality (AQ) in the most cost-effective least restrictive manner, in order to successfully accommodate North Carolina's energy needs.
4. Has a vested interest in Demand Management and Energy Efficiency programs where alleged total program costs (including PEC's lost revenues, administrative costs, and considerations) result in residential rate increases through NCUC approved mechanisms.
5. Is of the "residential customer" class, within the PEC articulated subclass, "owner."

6. Resides in a home constructed in 2002, under the 1999 North Carolina Planned Community Act.

7. Has an active interest in the practices of “pooling of assets” and “asset redistribution.”

8. Is representative of most residential customers, both “renters and owners,” requiring residential climate control due to North Carolina’s extreme seasonal temperatures. As a residential customer experiences the largest power demand, *and expense*, through the operation of his HVAC system(s) – starting with, and specifically, the system’s compressor.

9. Is a customer/consumer adversely affected by “financial gaming” associated with HVAC performance, efficiency, and environmental protection.

10. In order to realize HVAC efficiency, is first reliant upon and subject to certified servicers/contractor installation and service on all components involving EPA-established refrigerant handling guidelines. Petitioner is in discovery of negligent compressor installation and subsequent service that materially decreased system efficiency, and wrongfully increased energy consumption in the 259 surrounding community homes. Both the installer and service in petitioner’s case are “pre-qualified” PEC contractors.

11. Is concerned with the environmental impact of the release of hydrochlorofluorocarbons (HCFCs) to the atmosphere.

12. Seeks to ensure his customer class’ financial interests are represented in PEC’s DSM and EE programs.

13. Seeks PEC’s development of a cost-effective EE program resulting in the greatest impact on energy demand, with reasonable access to “all residential customers.”

THE WAY AND MANNER PETITIONER’S INTERESTS ARE AFFECTED BY ISSUES IN THE PROCEEDING:

14. The EE Program for which PEC seeks approval is riddled with “financial gaming.” Most of the offered program considerations are unattainable by most residential customers, and subject to initial and considerable uncontrollable “pre-qualified contractor” expense; effecting “asset redistribution” from the PEC Residential Customer base. Some considerations include *irrational* HVAC equipment investment; others include payment of ancillary HVAC services before the customer may enjoy benefit of the one that is needed.

15. Additionally, PEC’s suggested programming materially relies on “pre-qualified” contractors, some of which profit by “topping off” HVAC systems through the failure to identify and advise the customer of refrigerant leaks. Refrigerant leaks release HCFC’s into the environment, a practice which is known to be contributory to the well-documented and harmful “greenhouse affect.”

16. Of other consideration, provable by the petitioner, is that some of the “pre-qualified contractors” have contributed to decreased HVAC efficiency through the negligent, if not willful, installation and servicing of compressor equipment. As a result, petitioner, as well as his 259 neighbors, has beared the latent expense of increased energy bills.

17. Moreover, a significant portion of the residential class, “renters,” is discriminatorily disqualified for participation. The entire PEC residential customer base, including petitioner, ultimately is slated to shoulder the expense of the program; regardless of its success or failure as objectively measured by energy demand reduction, to no fault of the customer. **PEC’s staggered approach, if ever intending to address the “renter” group, will allow for double-dipping in administrative and communication costs under the same mandated heading of Residential Energy Efficiency, and the same Residential Customer base.**

18. Furthermore, the conspicuous 1 to 1 ( $\pm$  3%) dollar ratio of “administrative cost” to “costumer incentive” wrongfully heightens the baseline to which subsequent rider applications for administrative costs may be compared. Any subsequent rider will dubiously present as either a discount, or extension, relative to any heightened baseline approved – another method of financial gaming.

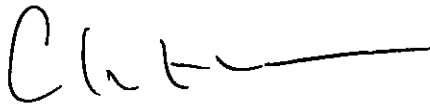
RELIEF REQUESTED:

19. Petitioner, as a representative of the Residential Customer class, respectfully asks that the NCUC consider his observations as a basis to reject PEC’s Petition for Approval of its Residential Home Energy Improvement Program until such time PEC:

- a. Encompasses the whole residential class.
- b. Eliminates other designed barriers to program access.
- c. Implements programs for HVAC enhancements which do not require the exorbitant expense of a “new system,” such as replacing “fixed orifice” metering devices with “Thermal Expansion Valves” while prescribing labor and expense for its “pre-qualified contractors.”
- d. Discloses the comprehensive basis by which any contractor may be “pre-qualified.”
- e. Eliminates the requirement of hiring “contractors” for Energy Conservation Measures that may not need a licensed or certified contractor to administer.
- f. Includes domestic methods of controlling energy demand and improving efficiency, such as “ranged thermostatic control.”
- g. Establishes a valid, transparent baseline to establish “Administrative Costs.”

Thank you for your consideration of issues presented in this petition.

Very Truly yours,

A handwritten signature in black ink, appearing to read 'Chris', followed by a horizontal line.

Christopher Simmler, Petitioner

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-2 SUB 936  
CERTIFICATE OF SERVICE

Progress Energy Carolina's	)	
Petition for Approval of Residential	)	<b>CERTIFICATE OF SERVICE</b>
Home Energy Improvement	)	
Program	)	

I, Christopher Simmler, hereby certify that the filing of Christopher Simmler's Petition to Intervene on Progress Energy Carolina's Petition for Approval of Residential Home Energy Improvement Program in the above referenced docket has been served on all parties of record by depositing said copy in the US mail, postage paid, addressed as follows on November 28, 2008:

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NC Department of Justice  
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A handwritten signature in black ink, appearing to read 'Chris Simmler', written over a horizontal line.

Christopher Simmler, Petitioner