



July 26, 2023

VIA eFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Petition of Philadelphia Gas Works for Approval of Demand Side Management Plan for FY 2014-2016, 52 Pa. Code § 62.4 – Request for Waivers, Docket No. ~~P-2014-245936~~

Dear Secretary Chiavetta:

P-2014-2459362-AEL-7/26/23

Enclosed please find the **Petition to Intervene of Tenant Union Representative Network (TURN)** in response to PGW's proposed Demand Side Management Portfolio Implementation Plan for Fiscal Years 2024-2026, which was filed with the Commission on June 16, 2023 at Docket No. P-2014-2459362. If you have any questions, please do not hesitate to contact me

Sincerely,

A handwritten signature in blue ink that reads "DRP".

Daniela E. Rakhlina-Powsner

Counsel for TURN

Enc.

Cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Philadelphia Gas Works for	:	
Approval of Demand-Side Management	:	
Plan for FY 2024-2024	:	
	:	Docket No. P-2014-2459362
Philadelphia Gas Works Universal Service	:	
and Energy Conservation Plan for 2014-2016	:	
52 Pa Code § 62.4 — Request for Waivers	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Petition to Intervene of Tenant Union Representative Network and upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54.

VIA EMAIL

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July 26, 2023 *Counsel for TURN*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

:
Petition of Philadelphia Gas Works for Approval :
of Demand-Side Management Plan for :
FY 2024-2026 :
: Docket No. P-2014-2459362
Philadelphia Gas Works Universal Service and :
Energy Conservation Plan for 2014-2016 52 Pa :
Code § 62.4 — Request for Waivers :

**PETITION TO INTERVENE OF
TENANT UNION REPRESENTATIVE NETWORK**

The Tenant Union Representative Network ("TURN"), through counsel Community Legal Services, Inc., hereby files this Petition to Intervene in the above-captioned proceeding, pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission ("PUC" or "Commission"), 52 Pa. Code §§ 5.71-5.76, and in support thereof, states as follows:

1. Petitioner's mission is to advance and defend the rights and interests of tenants and homeless people with the goal of guaranteeing to all Philadelphians equal access to safe, decent, accessible, and affordable housing.
2. Petitioner is represented by:

Daniela E. Rakhlina-Powsner, Esquire (Attorney ID: 332206)
Joline R. Price, Esquire (Attorney ID: 315405)
Robert W. Ballenger, Esquire (Attorney ID: 93434)

COMMUNITY LEGAL SERVICES, INC.

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3. The Respondent Utility is:

Philadelphia Gas Works

800 West Montgomery Avenue

Philadelphia, PA 19122

4. On June 16, 2023, Philadelphia Gas Works (“PGW”) filed a voluntary, ratepayer supported Demand-Side Management Program (“DSM”) Implementation Plan for Fiscal Years 2024-2026 (hereinafter “Proposed DSM IV”). PGW filed this Proposed DSM IV at Docket No. P-2014-2459362. PGW’s prior DSM Plans for 2016-2020 and 2021-2023 were also reviewed and approved at this docket.

5. TURN is a not-for-profit advocacy organization composed of moderate and low income tenants, many of whom are customers of or dependent on gas service from PGW. In those capacities, TURN’s members have a direct, immediate, substantial and distinct interest in the impact of and services proposed to be provided (or curtailed) in PGW’s Proposed DSM IV.

6. TURN is located at 100 South Broad Street, Suite 800, Philadelphia, PA 19110.

7. Petitioner was a party to the PGW Base Rate Case settlement in December 2009, which resulted in the creation of Phase I of PGW's Demand-Side Management Program at Docket Nos. P-2009-2097639 and R-2009-2139884.

8. Petitioner was an active party in PGW's DSM Phase II and III proceedings, at the above-captioned docket.

9. The Commission's Regulations provide that "a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought." 52 Pa. Code § 5.72(a).

10. The Commission's Regulations permit intervention by persons claiming "an interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72(a)(2).

11. In Pennsylvania, an association may have standing as a representative of its members, provided the organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action. The Commission has previously determined that a not-for-profit organization may have standing in a representational capacity, including both associations and not-for-profit corporations. See PPL Electric Utilities

Corporation's Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796, Opinion and Order dated May 5, 2011 at 11. In addition, the Commonwealth Court has further held that "an association may have standing as a representative of its members ... as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing." See Energy Cons. Council of Pa. v. Pa. PUC, 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. 1980)); See also Parents United for Better Schools v. School District of Philadelphia, 646 A.2d 689 (Pa. Commw. 1994)).

12. The subject matter of PGW's DSM IV is critical to the low and moderate income members of TURN who are PGW residential customers and/or rely on PGW natural gas service, and who stand to benefit from a robust suite of energy efficiency programs that can effectively reduce household consumption and ultimately make gas bills more affordable.

13. In addition to evaluating the overall effectiveness of PGW's DSM programming, Petitioner is particularly concerned with the availability of and obstacles to energy efficiency measures for low-income Philadelphia tenants, some of whom may reside in multi-family dwellings where PGW has proposed to curtail offerings in the future.

14. TURN asserts that it has standing to intervene on behalf of its members, who may be bound by the action of the Commission in this proceeding and affected by PGW's DSM IV, pursuant to the regulations and standards applicable to Public Utility Commission proceedings because its members are not adequately represented by any other participant in this proceeding.

WHEREFORE, TURN respectfully request that the Pennsylvania Public Utility Commission grant this Petition to Intervene providing TURN with full-party status in this proceeding.

Respectfully submitted,



Daniela E Rakhlina-Powsner, Esq. (Attorney ID: 332206)

Joline R. Price, Esquire (Attorney ID: 315405)

Robert W. Ballenger, Esquire (Attorney ID: 93434)

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VERIFICATION

I, Nicole Lawrence, on behalf of Tenant Union Representative Network (TURN), hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: July 26 , 2023



Nicole Lawrence

Title: Executive Director, TURN

Title: Executive Director, TURN