

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. 2012-2290597
	:	
PPL Electric Utilities Corporation	:	

**PETITION OF  
RICHARDS ENERGY GROUP, INC.  
TO INTERVENE OUT-OF-TIME**

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Richards Energy Group, Inc. ("Richards") on its own behalf and on behalf of the members of the Richards Energy Affinity Program ("REAP"), by and through its undersigned counsel, and, pursuant to the provisions of 52 Pa. Code §5.71, *et. seq.*, files this Petition to Intervene Out-of-Time in the above proceeding. In support of this Petition, Richards states as follows:

1. Communications and correspondence concerning this matter should be

addressed as follows:

Edmund "Tad" Berger  
Berger Law Firm, P.C.  
2104 Market Street  
Camp Hill, PA 17011  
(717) 920-8900  
[tberger@bergerlawfirm.net](mailto:tberger@bergerlawfirm.net)

with a copy to:

Mr. Frank J. Richards  
Richards Energy Group, Inc.  
781 South Chiques Road  
Manheim, PA 17545  
[frichards@richardsenergy.com](mailto:frichards@richardsenergy.com)

2. Richards is a licensed electric generation supplier, authorized by the Commission at A-110072 to provide services to commercial, industrial, and institutional customers within the Commonwealth of Pennsylvania.

3. REAP is a power purchasing consortium composed of approximately 480 midsized industrial and commercial customers mostly within the Commonwealth of Pennsylvania who purchase roughly \$100,000,000 of electricity per year. Most of the members of REAP are GS-1, GS-3, LP4 and LP5 customers of PPL Electric Utilities Corporation ("PPL"). Richards serves as the coordinator of this program.

4. At present within its customer group, Richards provides services to approximately 1,350 electric accounts which are provided distribution services by PPL.

5. On or about April 4, 2012, PPL filed its supplement number 118 to electric PA PUC No. 201 along with supporting data. Supplement 118 was designed to produce an increase in distribution rates including those charged to REAP members.

6. As customers affected by the change in rates, the members of REAP have a direct, substantial and immediate interest in insuring that the proposed rate increase is just and reasonable.

7. Also within Supplement No. 118, PPL has proposed to recover costs through a Competitive Enhancement Rider, from all distribution customers which it may incur from activities associated with Orders of the Commission in its *Investigation of Pennsylvania's Retail Electricity Market*, Docket No. I-2011-2237951 as well as certain charges to its Commission mandated Price to Compare.

8. As a licensed generation supplier, Richards has a direct, substantial and immediate interest in insuring that these proposed changes do not harm the competitive environment within the Commonwealth.

9. Even though other generation suppliers have intervened in this proceeding, Richards interests and the interests of its REAP customer members will be affected by any Commission action in this proceeding. Any order issued in this proceeding will bind Richards and its customer group.

10. Richards was previously represented by Craig A. Doll, Esquire and, on or about May 21, 2012, Mr. Doll prepared a Petition to Intervene in this proceeding on behalf of Richards and indicated that he was going to file it with the PUC by Wednesday, May 23, 2012.

11. Prior to the filing of Richards Petition to Intervene, unbeknownst to Richards, Mr. Doll became severely ill and did not complete the filing of Richards Petition to Intervene.

12. Richards only learned recently that Mr. Doll had become ill and had not filed Richards Petition to Intervene, at which point Richards sought to obtain substitute counsel.

13. The Commission has a four-part test for determining whether a late-filed intervention should be allowed. *See Application of Shangri-La Water Company* Docket No. A-212715F2000 (Order entered January 4, 2002). This four-part test is as follows: (1) the petitioner must have a reasonable excuse for missing the protest or intervention due date; (2) the proceeding must be contested at the time of the filing of the untimely petition to intervene; (3) the intervention must not delay the orderly progress of the case; and (4) the grant of intervention must not significantly broaden the issues or shift the burden of proof. *See also Application of Douglasville Water Company*, Docket No. A-210760, 1990 Pa. PUC LEXIS 58

(Order entered August 24, 1990); Re S.T.S. Motor Freight, Inc. (S.T.S.), Docket No. A-97417, Folder 1, Am-A, 54 PA PUC 343 (Order entered October 8, 1980).

14. With respect to the first prong of the *Shangri-La* test, Richards believes that Mr. Doll's illness and inability to inform Petitioner that the Petition was not filed is a reasonable excuse for its late intervention.

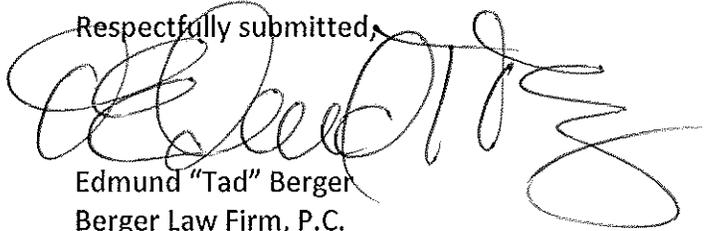
15. With respect to the second prong of the *Shangri-La* is test, this is a heavily contested proceeding.

16. With respect to the third prong of the *Shangri-La* test, Richards Petition will not delay the orderly progress of this case as Richards will attempt to adhere to the existing deadlines in this proceeding, except that Richards may request additional time to complete its Rebuttal Testimony, currently due on July 16, 2012.

17. With respect to the fourth prong of the *Shangri-La* test, Richards intervention will not significantly broaden the issues or shift the burden of proof as the issues upon which Richards will participate – rate design and cost of service, competitive enhancement rider, competitive issues – are fundamental issues in this proceeding bearing upon the reasonableness of PPL's rates and have also been addressed by other parties to this proceeding. Further, the burden of proof on all of these issues will not change because of Richards' intervention.

**WHEREFORE**, Richards Energy Group, Inc. on its own behalf and on behalf of the members of the Richards Energy Affinity Program respectfully requests that this Petition to Intervene Out of Time be granted and that it be permitted to participate in this proceeding with full party status.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund Berger', written over the text 'Respectfully submitted,'.

Edmund "Tad" Berger  
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Attorney I.D. # 53407

Attorney for Richards Energy Group, Inc.

DATED: July 13, 2012