

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019

Docket Nos. P-2015-2511333
P-2015-2511351
P-2015-2511355
P-2015-2511356

Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene in the 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, states as follows:

1. On November 3, 2015, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (collectively the “First Energy Companies” or “Companies”) filed a Joint Petition for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019.
2. By public notices published in the Pennsylvania Bulletin on November 14, 2015, the Commission established a deadline of November 30, 2015 for formal protests, petitions to intervene, and answers.
3. CAUSE-PA is filing this Petition to Intervene consistent with the Commission’s notice.

4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section provides, in relevant part, 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).

5. Section 5.72 further provides that the right or interest may be one “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).

6. Even though Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated 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.” *Energy Cons. Council of Pa. v. Pa. P.U.C.*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U.C.*, 415 A.2d 967 (Pa. Cmwlth. 1980) and *Parents United for Better Schools v. School District of Philadelphia*, 614 A.2d 689 (Pa. Cmwlth.1994)).

7. CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services.

8. CAUSE-PA membership is open to moderate- and low-income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income

families maintain affordable access to utility services and achieve economic independence and family well-being.

9. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.

10. CAUSE-PA has interests in the impact that the proposed Default Service Plan has on moderate- and low-income residential customers. These interests are not adequately represented by other participants.

- a. CAUSE-PA is interested in the Companies' proposal to continue offering the Customer Referral Program for residential customers from June 1, 2017 to May 31, 2019, and continue recovering the costs of the CRP through the Companies' applicable non-bypassable DSS Riders. Joint Petition, ¶¶ 47-48.
- b. CAUSE-PA is interested in the impact the Companies' proposed changes to their Purchase of Receivables program and EGS related write-offs will have on low-income customers. Joint Petition, ¶¶ 50-51.
- c. CAUSE-PA is interested in the Companies' proposed changes to how EGS refunds are processed. Joint Petition, ¶ 62.
- d. CAUSE-PA asserts that each of these matters must be thoroughly reviewed through discovery and a hearing in order to ensure that the Companies' low-income customers are not harmed and the programs are in the public interest.

11. CAUSE-PA was granted intervener status and actively participated in earlier proceedings relating to the First Energy Companies Joint Petitions for Approval of their Default

Service Programs for the period commencing June 1, 2013 through May 31, 2015, and for the period commencing June 1, 2015 through May 31, 2015.

12. At least five members of CAUSE-PA are customers of First Energy Companies and will be directly affected by the outcome of this proceeding.¹

13. Because at least one member of CAUSE-PA has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding, CAUSE-PA has standing to intervene. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

14. CAUSE-PA is represented in this proceeding by:

Joline Price, Esquire
Patrick M. Cicero, Esquire
Elizabeth R. Marx, Esquire
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Harrisburg, PA 17101
Telephone: 717-236-9486
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E-mail: pulp@palegalaid.net

15. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@palegalaid.net, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, CAUSE-PA respectfully request that the Public Utility Commission:

- (1) enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status; and

¹ Linda Bergman (WPP), Nancy Gibson (Penelec), Genora Gosha (Penelec), Linda Morris (Penelec), and Gladys Tullis (Penn Power) are members of CAUSE-PA.

(2) grant such other relief as is just and appropriate.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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November 30, 2015

VERIFICATION

I, **Linda Bergman**, a member of the Executive Committee of the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, 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 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: November 30, 2015


Linda Bergman

On behalf of the Executive Committee of
the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania
(CAUSE-PA)

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CERTIFICATE OF SERVICE

I hereby certify that I have November 30, 2015, served copies of the **Petition to Intervene of CAUSE-PA**, via email and/or first-class mail upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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