

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval of a Default Service Program for the Period of June 1, 2017 through May 31, 2019

Docket No. P-2016-2534980

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 March 17, 2016, PECO Energy Company (“PECO” or “the Company”) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019.
2. By public notice published in the Pennsylvania Bulletin on April 9, 2016, the Commission established a deadline of April 19, 2016 for formal protests, petitions to intervene, and answers.
3. On April 12, 2016, Administrative Law Judge Cynthia Williams Fordham issued a Prehearing Order establishing a Prehearing Conference for April 22, 2016, with a deadline of noon on April 21, 2016 for the filing of a prehearing memorandum.
4. CAUSE-PA files this Petition to Intervene consistent with the Prehearing Order issued by Judge Fordham and the notice of petition filing published in the Pa Bulletin.

5. 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).

6. 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).

7. 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)).

8. 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.

9. 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.

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

11. CAUSE-PA has interests in the impact that the proposed Default Service Plan will have on moderate- and low-income residential customers. These interests are not adequately represented by other participants. Specifically, CAUSE-PA is interested in the following:

- a. The Company's proposal to maintain its Standard Offer Program to refer residential customers to Electric Generation Suppliers. Petition ¶ 33.
- b. Any proposals PECO or other parties may present in the context of this proceeding to allow CAP customers to shop for generation supply.¹

CAUSE-PA has concerns about any CAP shopping plan that allows CAP customers to pay more than the Default Service price for electric generation supply. Evidence in service territories where CAP customers shop for generation supply shows that CAP customers, as well as the residential ratepayers who pay for the CAP program, are significantly harmed by this practice and are paying millions of dollars per year without any added benefit to CAP customers or the CAP program as a whole.

12. Each of the forgoing matters must be thoroughly reviewed through discovery and a hearing in order to ensure that the Company's low-income customers are not harmed and the programs are in the public interest.

¹ On April 5, 2016, the Pennsylvania Supreme Court denied Petitions for Allowance of Appeal in CAUSE-PA et al. v. Pa PUC, 445 CD 2014 and McCloskey v. PA PUC, 120 A.3d 1087, 596 CD 2014 (Commw. Ct., July 14, 2015).

13. CAUSE-PA was granted intervener status and actively participated in earlier proceedings relating to PECO's Petitions for Approval of their Default Service Programs.

14. At least three members of CAUSE-PA are customers of PECO and will be directly affected by the outcome of this proceeding.² 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.

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

Patrick M. Cicero, Esquire
Elizabeth R. Marx, Esquire
Joline Price, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
Facsimile: 717-233-4088
E-mail: pulp@palegalaid.net

16. 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).

² Carl Bailey, Marsha Mathis, and Jahala McLendon are customers of PECO and members of CAUSE-PA.

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

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



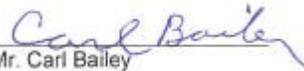
Patrick M. Cicero, Esq., PA ID: 89039
Elizabeth R. Marx, Esq., PA ID: 309014
Joline Price, Esq., PA ID: 315405
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486 / Fax: 717-233-4088
pulp@palegalaid.net

April 19, 2016

VERIFICATION

I, **Carl Bailey**, 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: April 19, 2016


Mr. Carl Bailey

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 on April 19, 2016, I have 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).

The Honorable Cynthia Williams Fordham
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
cfordham@pa.gov

Romulo L. Diaz, Jr., Esquire
W. Craig Williams, Esquire
Exelon Business Services Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
romulo.diaz@exeloncorp.com
craig.williams@exeloncorp.com
Counsel for PECO Energy

Thomas P. Gadsden, Esquire
Kenneth M. Kulak, Esquire
Brooke E. McGlinn, Esquire
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103
tgadsden@morganlewis.com
kkulak@morganlewis.com
bmcglinn@morganlewis.com
Counsel for PECO Energy

Aron J. Beatty, Esq.
Candis A. Tunilo, Esq.
Office of Consumer Advocate
555 Walnut Street
5th floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
Counsel for the OCA

Elizabeth Rose Triscari, Esquire
Assistant Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, Pennsylvania 1710
etriscari@pa.gov
Counsel for the OSBA

Phillip C. Kirchner, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg PA 17105-3265
phikirchne@pa.gov
Counsel for I&E

Charis Mincavage, Esq.
Adeolu A Bakare, Esq.
Allesandra L. Hylander, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, Pennsylvania 17108
cmincavage@mwn.com
abakare@mwn.com
ahylander@mwn.com
Counsel for PAIEUG



Patrick M. Cicero, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486, Ext. 202
Fax: 717-233-4088
pulp@palegalaid.net

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