

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company for Approval of a
Default Service Program for the Period of June 1, 2017
through May 31, 2021**

Docket No. P-2016-2543140

**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 May 2, 2016, Duquesne Light Company (“Duquesne” or “the Company”) filed a Petition for Approval of its Default Service Program for the period commencing June 1, 2017, through May 31, 2021.
2. By public notice published in the Pennsylvania Bulletin on May 21, 2016, the Commission established a deadline of June 6, 2016, for formal protests, petitions to intervene, and answers.
3. On May 23, 2016, Administrative Law Judge Conrad A. Johnson issued a Prehearing Order establishing a Prehearing Conference for June 10, 2016, with a deadline of 4:00 PM on June 8, 2016, for the filing of a prehearing memorandum.
4. CAUSE-PA files this Petition to Intervene consistent with the Prehearing Order issued by ALJ Johnson 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. Commw. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U.C.*, 415 A.2d 967 (Pa. Commw. 1980) and *Parents United for Better Schools v. School District of Philadelphia*, 614 A.2d 689 (Pa. Commw.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 ¶¶ 58 - 60.
- b. Duquesne's proposal to extend shopping to CAP customers with consumer protections and conditions. Petition ¶ 62. 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 pay millions of dollars per year without any added benefit to CAP customers or the CAP program as a whole.¹

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

13. At least four members of CAUSE-PA are customers of Duquesne and will be directly

¹ See, e.g., Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period of June 1, 2017, through May 31, 2021, Docket No. P-2016-2526627.

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.

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

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Elizabeth R. Marx, Esquire
Joline Price, Esquire
Pennsylvania Utility Law Project
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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
- (2) grant such other relief as is just and appropriate.

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



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May 31, 2016

² Dorothy Young, Nettie Pelton, Anastasia Stratigos, and Rochelle Jackson are customers of Duquesne and members of CAUSE-PA.

VERIFICATION

I, **Dorothy Young**, 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: May 31, 2016


Ms. Dorothy Young

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

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for Approval of a Default Service Program for the Period of June 1, 2017 through May 31, 2019 Docket No. P-2016-2543140

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 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 Conrad A. Johnson
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May 31, 2016