

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, et al.,	:	
v.	:	Docket No. R-2016-2537349
Metropolitan Edison Company.	:	

Pennsylvania Public Utility Commission, et al.	:	
v.	:	Docket No. R-2016-2537352
Pennsylvania Electric Company	:	

Pennsylvania Public Utility Commission, et al.	:	
v.	:	Docket No. R-2016-2537355
Pennsylvania Power Company	:	

Pennsylvania Public Utility Commission, et al.,	:	
v.	:	Docket No. R-2016-2537359
West Penn Power Company.	:	

**PETITION TO INTERVENE OF THE COALITION FOR AFFORDABLE UTILITY
SERVICES AND ENERGY EFFICIENCY IN PENNSYLVANIA**

PENNSYLVANIA UTILITY LAW PROJECT

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June 14, 2016

CAUSE-PA Petition to Intervene:

R-2016-2537349; R-2016-2537352; R-2016-2537355; R-2016-2537359

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene in the above-captioned proceedings. In support thereof, CAUSE-PA states as follows:

1. On April 28, 2016, First Energy submitted rate filings proposing to increase both fixed and volumetric base rates for each of its four operating companies in Pennsylvania (collectively, “the Companies”), as follows:

- a. Metropolitan Edison Company (“Met-Ed”) submitted a rate filing, Supplement No. 23 to its Tariff Electric PA PUC No. 52, which proposes to increase both fixed and volumetric base rates for residential customers. Met-Ed proposes to increase its customer charge from \$10.25 to \$17.42 and its base rate from \$0.03599 /kWh to \$0.04544 /kWh. According to the Companies’ calculations, this would increase the total bill for a residential Met-Ed customer who uses 1000 kWh per month from \$129.82 to \$147.34, an increase of 13.5%.
- b. Pennsylvania Electric Company (“Penelec”) submitted a rate filing, Supplement No. 23 to its Tariff Electric PA PUC No. 81, which proposes to increase both fixed and volumetric base rates for residential customers. Penelec proposes to increase its customer charge from \$9.99 to \$17.10 and its base rate from \$0.04569 /kWh to \$0.0688 /kWh. According to the Companies’ calculations, this proposal would increase the total bill for a

residential Penelec customer who uses 1000 kWh per month from \$137.89 to \$161.50, an increase of 17.2%.

- c. Pennsylvania Power Company (“Penn Power”) submitted a rate filing, Supplement No. 17 to its Tariff Electric PA PUC No. 36, which proposes to increase both fixed and volumetric base rates for residential customers. Penn Power proposes to increase its customer charge from \$10.85 to \$13.41 and its base rate from \$0.03135 /kWh to \$0.0469 /kWh. According to the Companies’ calculations, this proposal would increase the total bill for a residential Penn Power customer who uses 1000 kWh per month from \$130.06 to \$148.51, an increase of 14.2%.
- d. West Penn Power Company (“West Penn”) submitted a rate filing, Supplement No. 15 to its Tariff Electric PA PUC No. 40, which proposes to increase both fixed and volumetric base rates for residential customers. West Penn proposes to increase its customer charge from \$5.81 to \$13.98 and its base rate from \$0.02896 /kWh to \$0.03113 /kWh. According to the Companies’ calculations, this proposal would increase the total bill for a residential West Penn customer who uses 1000 kWh per month from \$112.99 to \$123.88, an increase of 9.6%.

Petition to Intervene

2. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which 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).

3. 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).

4. 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); *Parents United for Better Schools v. School District of Philadelphia*, 646 A.2d 689 (Pa. Commw. 1994)).

5. 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.

6. 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.

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

8. CAUSE-PA has a significant interest in the impact that the Companies' proposed rate increases will have on moderate and low income residential customers. These interests are not adequately represented by other participants.

9. Several members of CAUSE-PA are customers of the First Energy Companies and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the price that CAUSE-PA members pay for electricity as well as the reliability and quality of that service.¹

10. CAUSE-PA has standing to intervene because its members have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

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

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¹ Renee Barton (Met-Ed), Gloria Coleman (Penelec), Nancy Gibson (Penelec), Linda Morris (Penelec), Gladys Tullis (Penelec), Ronel Baccus (West Penn Power), Linda Bergman (West Penn Power), and Connie Bush (West Penn Power) are members of CAUSE-PA and customers of the First Energy Companies.

12. 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).

Answer

13. CAUSE-PA has preliminarily reviewed the Companies' rate filings, and objects to the Companies' requests on the grounds that the proposed increase of both fixed and volumetric rates could result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers and consumers.

14. Continued delivery of safe, affordable electricity is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly those with limited financial means. In recognition of this fact, the law requires that utility services – here electric service – be universally available at an affordable rate, and that universal service programs be developed, maintained, and appropriately funded to ensure such affordability. See 66 Pa. C.S. § 2802 (10),(17); 66 Pa. C.S. § 2804 (9).

15. In addition to the cost of the increase, CAUSE-PA is interested in ensuring that the terms of service contained within the Companies' tariffs, and the policies, practices, and procedures the Companies employ to enact those tariff provisions, are in line with the Commission's regulations and ensure that all First Energy customers and applicants are able to access safe, reliable electric service on just and reasonable terms.

16. CAUSE-PA asserts that these matters, and any future modifications presented by intervening parties, must be thoroughly reviewed to ensure that all customers are able to access safe, affordable electric service across the First Energy service territories in Pennsylvania.

WHEREFORE, CAUSE-PA respectfully requests that the Commission enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA




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Date: June 14, 2016

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).



Linda Bergman

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

Date: June 14, 2016