



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

May 3, 2018

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Second Floor
400 North Street
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. PECO Energy Company
Docket No. R-2018-3000164**

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN *et al.*), in the above-referenced proceeding.

Copies have been served as indicated on the Certificate of Service.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JRP', with a long horizontal flourish extending to the right.

Joline R. Price
Attorney for TURN *et al.*
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
(215) 981-3756

Enclosure

Cc: Administrative Law Judge Christopher P. Pell
Administrative Law Judge F. Joseph Brady
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO Energy Company - :
General Base Rate Filing for :
Electric Operations : **Docket No. R-2018-3000164**
:

Certificate of Service

I hereby certify that I have this day served copies of the **Petition to Intervene of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

VIA FIRST CLASS MAIL

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Deputy Chief Administrative Law Judge
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Respectfully submitted,



Joline Price, Esquire
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May 3, 2018

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
v. : **Docket No. R-2018-3000164**
PECO Energy Company – :
Electric Division :

**PETITION TO INTERVENE AND ANSWER OF
TENANT UNION REPRESENTATIVE NETWORK AND
ACTION ALLIANCE OF SENIOR CITIZENS OF GREATER PHILADELPHIA**

Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia, through its counsel Community Legal Services of Philadelphia, hereby petition the Pennsylvania Public Utility Commission (“Commission”) to intervene in the above-captioned proceeding pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, and in support, state as follows:

1. Petitioners are Philadelphia based consumer membership and advocacy organizations, Tenant Union Representative Network (“TURN”) and Action Alliance of Senior Citizens of Greater Philadelphia (“Action Alliance”) (hereinafter “TURN et al.”), who advocate on behalf of low and moderate income residential customers and consumers of the utility services of PECO Energy Company (“PECO”).

2. Petitioners are represented by:

Joline R. Price, Esquire (Attorney ID: 315405)
Robert W. Ballenger, Esquire (Attorney ID: 93434)

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3. On March 29, 2018, PECO submitted a general base rate filing for electric operations. In its filing, PECO proposes to increase its electric distribution revenues by approximately \$82 million, effective May 28, 2018. PECO's proposed rates and other changes are set forth in PECO's Tariff Electric – Pa. PUC No. 6 ("Tariff No. 6").

4. On April 19, 2018, the Public Utility Commission suspended the implementation of those rates by operation of law until December 28, 2018 to allow for an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Tariff No. 6.

5. TURN is a not-for-profit organization whose mission is to advance and defend the rights and interests of tenants and homeless people. TURN provides a wide range of tenant programs and advocacy, including organizing a tenant network whose members support each other in improving the quality of their housing. TURN membership is composed of moderate and low income tenants, a substantial number of whom are customers of PECO or dependent on PECO electric service and all residing in Philadelphia, PA. In those capacities, they have a direct, immediate, substantial and distinct interest in PECO's general base rate filing for electric operations. TURN is located at 100 South Broad Street, Suite 800, Philadelphia, PA 19110.

6. Action Alliance is a not-for-profit organization of senior citizens, many of whom are Philadelphia taxpayers, residents and customers of PECO, on which they rely for their electric service needs. In those capacities, they have a direct, immediate, substantial and distinct interest in PECO's general base rate filing for electric operations.

7. While 52 Pa. Code § 5.72 speaks of the right of a “person” to intervene, in Pennsylvania, an association may have standing as a representative of its members, provided the 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. PPL Electric Utilities Corporation’s Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796 (internal citations omitted). The Commission has previously determined that a not-for-profit organization may have standing in a representational capacity, including both associations and not-for-profit corporations. PPL Electric Utilities Corporation’s Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796, Opinion and Order dated May 5, 2011 at 11.¹

8. TURN et al. were a party to PECO’s two most recently filed rate cases at Docket No. R-2015-2468981 and Docket No. R-2010-2161575. TURN et al. is also party to PECO’s Petition for an Advanced Payments Pilot Plan, Docket No. P-2016-2573023, currently pending before the Commission. TURN et al. has also been party to prior Commission proceedings involving PECO, including, but not limited to, the following:

- a. Petition of PECO Energy Company for Approval of its Default Service Program for the Period June 1, 2017 through May 31, 2021 (DSP IV), Docket No. P-2016-2534980;
- b. Petition of PECO Energy Company for Approval of its Default Service Program (DSP II), Docket No. P-2012-2283641;
- c. In the Matter of PECO Energy Company Universal Service and Energy Conservation Three-Year Plan 2012-2015 Submitted in Compliance with 52 Pa. Code § 54.74, Docket No. M-2012-2290911;
- d. Petition of PECO Energy for Approval of Its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of Its Compact Fluorescent Lamp Program, Docket No. M-2009-2093215;

¹ If deemed to be necessary, TURN et al. would be able to identify a limited number of members if ordered to do so by the ALJs.

e. Petition of PECO Energy Company for Approval of its Default Service Program and Rate Mitigation Plan, Docket No. P-2008-2062739;

f. Petition of PECO Energy Company for Approval of its Market Rate Transition Energy Efficient Package, Docket No. P-2008-2062740;

g. Petition of PECO Energy Company for Approval of its Market Rate Transition Phase-In Program, Docket No. P-2008-2062741; and

h. In the Matter of PECO Energy Company Universal Services Three-Year Plan 2007-2009 Submitted in Compliance with 52 Pa. Code § 54.74, Docket No. M-00061945.

9. PECO proposes to increase revenue by \$44.9 million per year for Rate R Residential Service and by \$12 million for Rate RH Residential Heating Service. This includes an increase in the residential fixed charge to \$12.50.

10. TURN et al. have preliminarily reviewed PECO's rate filing, and intend to examine in this proceeding whether PECO's request for a rate increase will result in unjust and unreasonable rates for Philadelphia's low income residential customers and consumers.

11. TURN et al. were a party to the settlement reached regarding PECO's CAP design at Docket No. M-2012-2290911, which resulted in the proposed in-program arrearage forgiveness proposal, the cost recovery of which is included in this base rate proposal.

12. PECO's general base rate filing for electric operations is of critical importance to the low income PECO residential customers and consumers who are members of TURN et al. who benefit from affordable electric service and who, due to limited income, may be harmed disproportionately by the imposition of unjust or unreasonable rates, rate design, rules, or regulations contained in the proposed Tariff. The petitioners therefore have interests in this proceeding which may be directly affected and which are not adequately represented by other participants, and as to which the petitioners may be bound by the action of the Commission in

this proceeding.

WHEREFORE, TURN et al. respectfully request that the Commission enter an order granting TURN et al. full status as an intervener in this proceeding with active party status.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JRP', with a long horizontal flourish extending to the right.

Joline R. Price, Esquire (Attorney ID: 315405)
Robert W. Ballenger, Esquire (Attorney ID: 93434)

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Date: May 3, 2018

VERIFICATION

I, Phil Lord, on behalf of Tenant Union Representative Network (TURN), 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 3, 2018

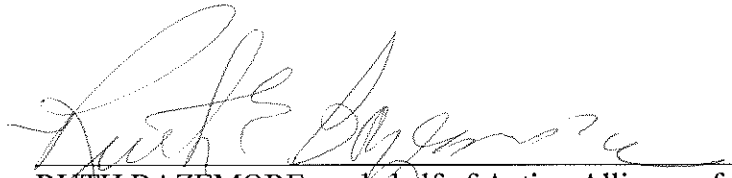


Title: Executive Director, TURN

VERIFICATION

I, **Ruth Bazemore**, Acting President of Action Alliance of Senior Citizens of Greater Philadelphia, 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: 5/3/18


RUTH BAZEMORE, on behalf of Action Alliance of
Senior Citizens of Greater Philadelphia