



December 27, 2018

**VIA e filing**

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

**Re: Joint Application of Aqua America, Inc., Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., Peoples Natural Gas Company LLC and Peoples Gas Company LLC for all of the Authority and Necessary Certificates of Public Convenience to Approve a Change in Control of Peoples Natural Gas Company LLC, and Peoples Gas Company LLC by way of the Purchase of all of LDC Funding LLC's Membership Interests by Aqua America, Inc.**

Docket Nos.    **A-2018-3006061**  
                      **A-2018-3006062**  
                      **A-2018-3006063**

Dear Secretary Chiavetta:

Enclosed, please find the **Petition to Intervene of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania's (CAUSE-PA)** in the above referenced proceeding.

Thank you for your consideration. Please contact me with any questions or concerns.

Very sincerely,

A handwritten signature in blue ink, appearing to read "Patrick M. Cicero", is written over a horizontal line.

Patrick M. Cicero  
Counsel for CAUSE-PA

Cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Aqua America, Inc.,	:	
Aqua Pennsylvania, Inc., Aqua	:	
Pennsylvania Wastewater, Inc., Peoples	:	
Natural Gas Company LLC and Peoples	:	Docket Nos. A-2018-3006061
Gas Company LLC for all of the	:	A-2018-3006062
Authority and Necessary Certificates of	:	A-2018-3006063
Public Convenience to Approve a	:	
Change in Control of Peoples Natural	:	
Gas Company LLC, and Peoples Gas	:	
Company LLC by way of the Purchase of	:	
all of LDC Funding LLC’s Membership	:	
Interests by Aqua America, Inc.	:	

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PETITION TO INTERVENE OF  
THE COALITION FOR AFFORDABLE UTILITY SERVICE AND ENERGY EFFICIENCY  
IN PENNSYLVANIA (*CAUSE-PA*)

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Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (Commission), 52 Pa. Code §§ 5.71-5.74, the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (*CAUSE-PA*), through its legal counsel at the Pennsylvania Utility Law Project (*PULP*), hereby petitions the Commission to intervene in the above-captioned proceeding. In support thereof, *CAUSE-PA* states as follows:

1. On November 13, 2018, Aqua America, Inc., Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc. (Collectively “Aqua”), Peoples Natural Gas Company LLC, and

Peoples Gas Company LLC (Collectively “Peoples”)<sup>1</sup> filed an Application seeking Commission approval of the following:

- a. The transfer of 100% of the issued and outstanding membership interests in LDC Funding, LLC, an indirect parent company of Peoples from LDC Parent, LLC to Aqua America, Inc.;
  - b. the change in control of Peoples that would result from Aqua acquiring LDC Funding, LLC from LDC Parent, LLC; and,
  - c. all other approvals or certificates appropriate, customary, or necessary under the Code to carry out the acquisition.
2. 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.
3. CAUSE-PA membership is open to moderate and low income individuals residing in the Commonwealth of Pennsylvania – some of whom are customers of Peoples and Aqua<sup>2</sup> – who are committed to the goal of helping low income families maintain affordable access to utility services and achieve economic independence.
4. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.
5. CAUSE-PA has a significant interest in the impact that Aqua’s proposed acquisition of Peoples will have on moderate and low income residential customers. Specifically, CAUSE-PA is interested in (a) whether there are actual and tangible affirmative benefits to low

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<sup>1</sup> Together Aqua and Peoples will be referred to as “Applicants” throughout this Petition.

<sup>2</sup> Patricia Sedlack and Heather Meachum are members of CAUSE-PA and customers of Aqua PA. Ronel Baccus, Nancy Gibson, Genora Gosha, and Linda Morris are members of CAUSE-PA and customers of Peoples.

income ratepayers that will result from the acquisition, (b) whether the quality of service for Peoples and Aqua's customers will improve as a result of this acquisition, (c) the impact the acquisition will have on rates and terms/conditions of service of both Aqua and Peoples, and (d) the impact the acquisition will have on the required Universal Service programs of Peoples and Aqua.

6. CAUSE-PA asserts that prior to approval of the Application, the Commission must examine the Applicants' universal service programs to ensure that these programs are adequately funded, locally managed, and improved to meet the needs of low income, payment troubled customers in the Applicants' service territories.

7. 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).

8. 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).

9. 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. PUC,

995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School Dist. of Phila., 646 A.2d 689 (Pa. Commw. Ct. 1994)).

10. CAUSE-PA has standing to intervene because several of its members have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding.

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

Patrick M. Cicero, Esq.  
Elizabeth R. Marx, Esq.  
John W. Sweet, Esq.  
Kadeem G. Morris, Esq.  
**PENNSYLVANIA UTILITY LAW PROJECT**  
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Fax: 717-233-4088

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


13. CAUSE-PA asserts that the issues identified herein, along with any future issues presented by intervening parties, must be thoroughly reviewed prior to approval of the Application.

14. CAUSE-PA requests that it be permitted to intervene as a full party in order to adequately represent its interests in this proceeding.

WHEREFORE, CAUSE-PA respectfully requests that its Petition to Intervene be granted and that it be accorded full party status in the captioned proceeding.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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Patrick M. Cicero, Esq., PA ID: 89039  
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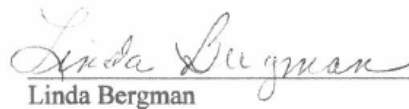
Email: [pulp@palegalaid.net](mailto:pulp@palegalaid.net) (all counsel)  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Aqua Pennsylvania, Inc., Aqua	:	
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Gas Company LLC, and Peoples Gas	:	
Company LLC by way of the Purchase of	:	
all of LDC Funding LLC's Membership	:	
Interests by Aqua America, Inc.	:	

**Verification**

I, Linda Berman, 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: December 27, 2018

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Interests by Aqua America, Inc.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served copies of the attached **Petition to Intervene of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania** 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 AND EMAIL**

Honorable Mary D. Long  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 5<sup>th</sup> Avenue, Suite 220  
Pittsburgh, PA 15222  
[malong@pa.gov](mailto:malong@pa.gov)

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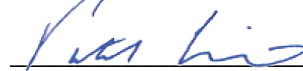
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Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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**December 27, 2018**