|  |  |  |
| --- | --- | --- |
|  | **PENNSYLVANIA****PUBLIC UTILITY COMMISSION****Harrisburg, PA 17105-3265** |  |

|  |  |
| --- | --- |
|  |  |
| Commissioners Present: |  |

|  |
| --- |
|  Gladys Brown Dutrieuille, Chairman |
|  David W. Sweet, Vice Chairman |
|  Andrew G. Place |
|  John F. Coleman, Jr. |
|  Ralph V. Yanora |  |
|  |  |
| 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code § 69.261–69.267 | M-2019-3012599 |

**ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration and/or Clarification filed by the Office of Consumer Advocate (OCA Petition for Reconsideration) on November 20, 2019. Also, before the Commission are two petitions filed by the Energy Association of Pennsylvania (EAP) on November 20, 2019: a Petition for Reconsideration and/or Clarification (EAP Petition for Reconsideration) and a Petition for Stay (EAP Petition for Stay). All three petitions relate to our Final Policy Statement and Order entered on November 5, 2019, in the above-captioned docket.

Answers to EAP’s Petition for Reconsideration and OCA’s Petition for Reconsideration are due December 2, 2019, pursuant to 52 Pa. Code § 5.572. On November 21, 2019, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Tenant Union Representative Network (TURN), and Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) (collectively CAUSE-PA, *et al.*) filed a Letter-Petition requesting an extension from December 2, 2019, until December 9, 2019, to answer the two Petitions for Reconsideration and represented that neither OCA nor EAP object to the extension.[[1]](#footnote-2)

Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. Rule 1701, the Commission must act to grant a petition for reconsideration within thirty days of the date of entry of the order for which reconsideration is sought, or otherwise lose jurisdiction to do so if a petition for review is timely filed. The thirty‑day period within which the Commission must act upon the OCA and EAP Petitions for Reconsideration in order to preserve jurisdiction ends on December 5, 2019. Accordingly, we shall grant reconsideration and or clarification, within the meaning of Pa. R.A.P. Rule 1701(b)(3), pending review of, and consideration on, the merits of the two Petitions for Reconsideration. We shall also extend the due date for answers to the OCA and EAP Petitions for Reconsideration until December 9, 2019.

Further, EAP and its member EDCs and NGDCs have requested that the Commission stay the effectiveness of Ordering Paragraph Nos. 6, 7, and 8 of the November 5, 2019 Final Policy Statement and Order pending resolution of EAP’s Petition for Reconsideration.

Without addressing the merits of EAP’s assertions in its request of a stay, and without any concession as to the likelihood of EAP prevailing on the merits or of the energy utilities suffering harm absent a stay, we shall grant the requested stay of Ordering Paragraph Nos. 6, 7, and 8 pending review on the merits of EAP’s Petition for Reconsideration, as well as review of the merits of OCA’s Petition for Reconsideration. Accordingly, Ordering Paragraph Nos. 6, 7, and 8 of the November 5, 2019 Final Policy Statement and Order are hereby stayed pending resolution of EAP’s Petition for Reconsideration and OCA’s Petition for Reconsideration,[[2]](#footnote-3) **THEREFORE,**

**IT IS ORDERED:**

1. That the Petitions for Reconsideration and/or Clarification individually filed by the Office of Consumer Advocate and by the Energy Association of Pennsylvania are hereby granted, pending further review of, and consideration on, the merits.
2. That answers to the Petitions for Reconsideration and/or Clarification are to be filed with the Commission on or before Monday, December 9, 2019.
3. That the Petition for Stay filed by the Energy Association of Pennsylvania is hereby granted, pending further review and consideration on the merits of the Petitions for Reconsideration and/or Clarification and review and consideration on the merits of any answers to the Petition for Stay.
4. That answers to the Petition for Stay are to be filed with the Commission on or before Monday, December 9, 2019.
5. That copies of all documents filed in this proceeding shall also be emailed in Word-compatible format to Joseph Magee, Bureau of Consumer Services (BCS), jmagee@pa.gov; Jennifer Johnson, BCS, jennifjohn@pa.gov; and Louise Fink Smith, Law Bureau, finksmith@pa.gov.

**BY THE COMMISSION,**

****

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ENTERED: November 25, 2019

1. CAUSE-PA, *et al.*, assert that they have until December 12, 2019, to answer the Petition for Stay, but assert that they will make every effort to respond to the Petition for Stay by December 9, 2019, as well. [↑](#footnote-ref-2)
2. This stay does not affect other filing obligations due on January 6, 2020, pursuant to our recent modification of the filing schedule in *USECP Filing Schedule*, Docket No. M-2019-3012601 (order entered on October 3, 2019) or pursuant to other utility-specific orders. Furthermore, neither the Petitions for Reconsideration or Clarification nor the Petition for Stay preclude a utility from voluntarily proposing to amend a current USECP or to conform a proposed USECP with any of the design changes detailed in the amended CAP Policy Statement, subject to utility­specific approval at the utility’s appropriate USECP docket. [↑](#footnote-ref-3)