



May 22, 2020

By eFiling

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

Re: Pennsylvania Public Utility Commission, et al. v. Philadelphia Gas Works Docket
No. R-2020-3017206; Petition to Intervene

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene of the Environmental Stakeholders in the above captioned matter. Copies of this letter and the attached petition have been eFiled and a copy has been sent electronically to the service list.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Otis Minott".

Joseph Otis Minott, Esquire

A handwritten signature in black ink, appearing to read "Ernest Logan Welde".

Ernest Logan Welde, Esquire

Attorneys for Environmental Stakeholders

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	
	:	
v.	:	Docket No. R-2020-3017206
	:	
Philadelphia Gas Works	:	

ENVIRONMENTAL STAKEHOLDERS' PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.72-5.75, Clean Air Council (“the Council”), and Sierra Club/PA Chapter (“Sierra Club”), collectively the “Environmental Stakeholders” hereby file this Petition to Intervene (“Petition”) in the above-captioned proceeding (the “Proceeding”) of the Pennsylvania Public Utility Commission (the “Commission”) concerning a request for a rate increase filed by Philadelphia Gas Works (“PGW”).

In support of this Petition, the Environmental Stakeholders state as follows:

1. The Council is a member-supported environmental organization based in Philadelphia serving the Mid-Atlantic Region. The Council is dedicated to protecting and defending everyone’s right to breathe clean air. The Council works through a broad array of related sustainability and public health initiatives, using public education, community action, government oversight, and enforcement of environmental laws. The Council has members in PGW’s service territory, and has been active before this Commission for over fifteen years on matters relating to clean energy and energy efficiency. The Council is a 501(c)(3) nonprofit public interest organization.

Sierra Club is a member-supported environmental organization whose mission is to explore, enjoy, and protect the wild places of the Earth and to practice and promote the responsible use of the Earth’s resources and ecosystems. Sierra Club currently has over 31,000

members in Pennsylvania, many of whom receive service from PGW. These members have a strong interest in both increasing use of renewable energy and in protecting themselves, their communities, and their ambient environment from the effects of fossil fuel generation. Sierra Club has been active in public utility commissions in over a dozen states, including this Commission, on matters relating to clean energy and energy efficiency. Sierra Club is a 501(c)(4) nonprofit public interest organization.

2. The Environmental Stakeholders' attorneys in this matter are:

Joseph Otis Minott, Esq.
(PA ID 36463)
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Ernest Logan Welde, Esq.
(PA ID 315012)
E-Mail: lwelde@cleanair.org
Clean Air Council
135 S. 19th Street, Suite 300
Philadelphia, Pennsylvania 19103
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3. Counsel for the Environmental Stakeholders consents to the service of documents by electronic mail to lwelde@cleanair.org, as provided in 52 Pa. Code § 1.54(b)(3).

4. On February 28, 2020, PGW submitted a rate filing, proposed Supplement No. 128 to its Gas Service Tariff No. 2, and proposed Supplement No. 85 to its Supplier Tariff No. 1. PGW is “seeking an increase in annual distribution revenues of \$70 million,” a 10.5 percent increase. PGW 2020 Rate Filing, Volume 1, Statement of Reasons at 1 (Feb. 28, 2020). PGW is proposing to increase the fixed monthly residential charge from \$13.75 to \$19.25, a 40 percent increase. PGW states that at least part of the requested increase is due to more efficiency in its system, meaning in part that, as customers have purchased more energy efficient appliances their usage has dropped.

5. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is "not adequately represented by existing parties, 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). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A "person" includes a corporation and an association. 52 Pa. Code § 1.8.

6. The Environmental Stakeholders meet the standards for intervention set forth in 52 Pa. Code § 5.72(a). The Environmental Stakeholders are committed to improving air quality throughout the Philadelphia region; reducing the impact of air pollution on the health of vulnerable populations; and ensuring that energy efficiency be expanded and utilized to the fullest extent possible. The Commission's actions in this Proceeding regarding PGW's proposed rate increase will have a direct impact on the ability of the Environmental Stakeholders to achieve their goals.

7. Per 52 Pa. Code § 5.72(a)(2), the Environmental Stakeholders' interests in this Proceeding are unique from, and not adequately represented by other parties that may seek to intervene as there are no other voices for energy efficiency or environmental concerns in this Proceeding. Environmental Stakeholders' interests in energy efficiency, air quality, and clean energy will be directly affected by this Proceeding.

8. Per 52 Pa. Code § 5.72(a)(3), the Environmental Stakeholders' intervention is in the public interest because it will enable them to contribute their unique perspective and insight of well-established local environmental organizations as the Commission considers PGW's proposals. Environmental Stakeholders will help develop the record and will help ensure that environmental and energy efficiency issues that are of significant public interest are adequately

considered. Additionally, Clean Air Council is a regular intervenor in Commission litigation and has intervened in past PGW litigation before the Commission.

9. In the Prehearing Conference Order for this Proceeding, it was ordered that “[a]fter the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa.Code §§ 5.71-5.76, as set forth in *Re: Mercer Gas Company*, 71 Pa. PUC 19 (1989), and *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980) or who file a complaint.” Prehearing Conference Order at ¶ 8 (Apr. 16, 2020).

10. In *Re: S.T.S. Motor Freight, Inc.*, the Commission noted its “traditional liberal policy” on late intervention, and stated that late intervention is permissible “(1) where the petitioner has a reasonable excuse for missing the protest due date; and (2) where the proceeding is contested at the time of the filing of a petition for intervention; and (3) where the grant of intervention will not delay the orderly progress of the case; and (4) where the grant of intervention will not broaden significantly the issues, or shift the burden of proof.” *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980).

11. Although the Prehearing Conference for this Proceeding has already occurred, the Environmental Stakeholders meet the standards for being granted party status. First, the Environmental Stakeholders have a “reasonable excuse.” *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980). The Environmental Stakeholders had hoped that other energy efficiency or environmental groups would intervene in this Proceeding, but none have. Intervention in these matters is costly and nonprofit public interest organizations such as the Environmental Stakeholders must be economical with their limited resources. In addition, all of the employees of the Environmental Stakeholders are now working from home, and juggling domestic and child-care responsibilities, as is most of the world due to COVID-19 restrictions. This has put an additional burden on the limited ability of the Environmental Stakeholders to be active in every

case in which they would like to participate. After a sufficient time had passed, and seeing no other intervenors join that would adequately represent the interests of protecting energy efficiency and the air quality issues for PGW's ratepayers, the Environmental Stakeholders made the decision to file this Petition to Intervention.

12. Second, this Proceeding is "contested at the time of the filing of a petition for intervention," *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980), because as of the date of this Petition, several parties have intervened to challenge the impacts of PGW's proposed rate increases on low-income ratepayers. *See* Petition to Intervene and Answer of CAUSE-PA (Mar. 10, 2020); Petition to Intervene of Tenant Union Representative Network (Apr. 10, 2020).

13. Third, "the grant of intervention will not delay the orderly progress of the case." *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980). The Environmental Stakeholders understand that the proceeding is under way and, as such, will accept all scheduling decisions made to this point. No party will be prejudiced by the participation of the Environmental Stakeholders in this Proceeding.

14. Fourth, "the grant of intervention will not broaden significantly the issues, or shift the burden of proof." *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980). The Environmental Stakeholders plan to focus on the traditional and core rate case questions about whether the utility has adequately justified its proposed rate increases. The Environmental Stakeholders do reserve the right to raise additional more specific questions identified through their continued review of pertinent materials. However, a grant of intervention to the Environmental Stakeholders will not broaden significantly the issues in this Proceeding and will not shift the burden of proof.

15. In sum, it is in the public interest, and good cause exists, to grant the Petition to Intervene of the Environmental Stakeholders.

WHEREFORE, the Environmental Stakeholders respectfully request that the Commission grant this Petition to Intervene.

Respectfully submitted,



Joseph Otis Minott, Esq.



Ernest Logan Welde, Esq.

Date: May 22, 2020

Attorneys for Clean Air Council

VERIFICATION

I, Ernest Logan Welde, staff attorney Clean Air Council, hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and that I am duly authorized to make this verification, and that I expect to be able to prove the same at any hearing held in this matter.

A handwritten signature in cursive script that reads "Logan Welde".

Ernest Logan Welde, Esq.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the Environmental Stakeholders' Petition to Intervene upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via Email

Charis Mincavage, Esq. Adeolu A. Bakare, Esq. Jo-Anne Thompson, Esq. McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 cmincavage@mcneeslaw.com abakare@mcneeslaw.com jthompson@mcneeslaw.com	Christy Appleby, Esq. Santo G. Spataro, Esq. Darryl A. Lawrence, Esq. Office of Consumer Advocate 555 Walnut Street 5th floor, Forum Place Harrisburg, PA 17101 cappleby@paoca.org ssparato@paoca.org dlawrence@paoca.org
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A handwritten signature in cursive script that reads "Logan Welde".

Ernest Logan Welde, Esq.