

PENNSYLVANIA UTILITY LAW PROJECT

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DECEMBER 2, 2010

VIA E-FILING

SECRETARY ROSEMARY CHIAVETTA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. Box 3265
HARRISBURG, PA 17105-3265

**RE: PPL Electric Utilities Corporation Universal Service and Energy Conservation Plan
for 2011 through 2013, Docket No. M-2010-2179796**

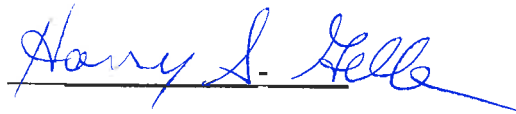
DEAR SECRETARY CHIAVETTA:

PLEASE ACCEPT FOR -FILING IN THE ABOVE CAPTIONED MATTER THE ADDITIONAL AMENDMENT AND SUPPLEMENTAL MATTER IN RESPONSE TO THE ANSWER OF PPL ELECTRIC UTILITIES TO THE AMENDED PETITION TO INTERVENE OF PENNSYLVANIA COMMUNITIES ORGANIZING FOR CHANGE D/B/A ACTION UNITED ("PCOC")

ALL PARTIES TO THIS PROCEEDING RECEIVED NOTICE OF THE AMENDED PETITION -BY FIRST CLASS AND ELECTRONIC MAIL.

THANK YOU FOR YOUR ASSISTANCE, AND PLEASE FEEL FREE TO CONTACT ME DIRECTLY SHOULD YOU HAVE ANY QUESTIONS.

VERY TRULY YOURS,



HARRY S. GELLER

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PPL Electric Utilities Corporation Universal
Service and Energy Conservation Plan for 2011
through 2010


Docket No. M-2010-2179796

CERTIFICATE OF SERVICE

I hereby certify that I have today served a true copy of the Additional Amendment and Supplemental Matter in Response to the Answer of PPL upon the parties listed below, in accordance the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL

ALJ Susan D. Colwell PA Public Utility Commission Commonwealth Keystone Building 400 North Street, Fl. 2 West POB 3265 Harrisburg, PA, 17105	Aron J. Beatty, Esq. Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17101-1923
Craig R. Burgraff, Esq. Hawke, McKeon, & Sniscak LLP 100 N. 10th Street P.O. Box 1778 Harrisburg, PA 17101	Paul E. Russell, Esq. Associate General Counsel PPL Services Corp. 2 North 9th Street Allentown, PA 18101
William R. Lloyd, Jr. Esq. Steven C. Gray Office of Small Business Advocate Commerce Building, Suite 1102 300 North Second Street Harrisburg, PA 17101	Richard A. Kanaskie, Esq. PA PUC Office of Trial Staff PO Box 3265 Harrisburg, PA 17101
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Pamela C. Polacek, Esq. Shelby A. Linton-Keddie, Esq. McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108	Eric J. Epstein 4100 Hillsdale Road Harrisburg, PA 17112


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Dated: December 2, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PPL Electric Utilities Corporation :
Universal Service and Energy : Docket No. M-2010-2179796
Conservation Plan for 2011 through 2013 :**

**ADDITIONAL AMENDMENT AND SUPPLEMENTAL MATTER IN RESPONSE TO
THE ANSWER OF PPL ELECTRIC UTILITIES TO THE AMENDED PETITION TO
INTERVENE OF PENNSYLVANIA COMMUNITIES ORGANIZING FOR CHANGE
d/b/a ACTION UNITED (“PCOC”)**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE SUSAN D. COLWELL:
Pennsylvania Communities Organizing for Change, Inc. d/b/a ACTION United (“PCOC”) hereby submits this Amended Petition and supplemental matter in support of its Petition to Intervene and in Response to the Answer of PPL Electric Utilities, Inc (“PPL Electric” or “Company”). By way of general response PCOC avers that it has provided sufficient facts to support its standing to participate in this proceeding, that the public interest will be served by the participation of PCOC and that Commission policy and statutory intent is served by the participation of PCOC in this proceeding.

Pennsylvania Communities Organizing for Change, Inc. d/b/a ACTION United (“PCOC”), through counsel, the Pennsylvania Utility Law Project, hereby Petitions to Intervene in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code Sections 5.71-5.74, and states as follows:

1. On June 1, 2010, pursuant to 52 Pa. Code §62.4(1), PPL Electric Utilities Corporation filed for approval of its Universal Service and Energy Conservation Plan 2011-2013 (“Plan”) at Docket Number M-2010-2179796. The Plan outlines how the Company will administer its Universal Service and Energy Conservation programs during the three year period of 2011-2013, including its OnTrack Payment Program, Winter Relief Assistance Program (“WRAP”), Customer Assistance, Referral and Evaluation Service (“CARES”) and hardship fund, Operation HELP. The Plan also discusses the Company’s administration of the federal Low Income Home Energy Assistance Program (“LIHEAP”).
2. On October 4, 2010, a Notice of Initial Prehearing Conference was issued which set the prehearing conference for Friday, October 29, 2010 and assigned the matter to Administrative Law Judge Susan D. Colwell.
3. On October 25, 2010, Pennsylvania Communities Organizing for Change filed a Petition to Intervene.
4. On October 29, 2010, at the prehearing conference, PPL challenged PCOC’s Petition to Intervene due to lack of inclusion of necessary information.
5. On October 29, 2010, ALJ Colwell issued a Scheduling Order requiring PCOC to provide supplemental information to its Petition to Intervene regarding:
 - a. the type of organization
 - b. whether Petitioner is a customer of PPL
 - c. its membership and whether its members are customers of PPL

d. the relationship between the signatory to its Verification and Petitioner¹

6. In accord with the October 29, 2010 Scheduling Order, on November 15, 2010, PCOC filed an Amended Petition to Intervene.
7. On November 19, 2010, PPL filed an Answer to the Amended Petition to Intervene. The PPL Answer contains new matter and material.
8. The information necessary to comply with the ALJ's Prehearing Scheduling Order, respond to the Answer of PPL which contains new Matter and to grant Intervener status upon PCOC is included herein.
9. The Petitioner is PCOC, a not-for-profit advocacy and membership organization incorporated in Pennsylvania. Its application for 501(c) (4) status is pending. One aspect of PCOC's mission is to advocate on behalf of low and lower income persons on numerous consumer issues, including access to and affordability of utility service.
10. PCOC does business as ACTION United. ACTION United is not incorporated.
11. Although PCOC does not have an office within PPL Electric's service territory, many PCOC members reside within PPL's service territory and are customers of the company²; they rely on the company for their electricity, including heating and cooling needs, and will be affected by the issues presented in this proceeding.

¹ *PPL Electric Utilities Corporation Universal Service and Energy Conservation Plan for 2011 through 2013*, Docket No. M-2010-2179796 (Scheduling Order, October 29, 2010).

² PCOC members who are PPL customers include: Rosa D Chacon 1168 Mulberry St # 101, Harrisburg, PA 17104; Shirley A Edmonds 1315 N 14th St, Harrisburg, PA 17103; John Hairston 3223 N 6th St, Harrisburg, PA 17110;

12. Many of PCOC members participate in or are potentially eligible to participate in and receive the benefits of PPL's Universal Service and Energy Conservation programs. The interests of these individuals will be affected directly by the issues addressed in this proceeding. They therefore have a direct, immediate, substantial, and distinct interest in this proceeding.
13. Other members of PCOC, although not enrolled in or participating in PPL's Universal Service and Energy Conservation programs, are customers of PPL Electric and will be affected directly by the issues addressed in this proceeding. They therefore have a direct, immediate, substantial, and distinct interest in this proceeding.
14. PCOC seeks to intervene in this proceeding to ensure the interests of its members are heard and safeguarded. No other active party in this proceeding exclusively represents the unique and particular interests of PCOC members who are customers of PPL nor of PPL's low-income consumers. As such, the interests of PCOC members and particularly its low-income members who are PPL customers are not adequately represented despite the fact that these PCOC members will be bound by the Commission's decision. PCOC's intervention in this proceeding will remedy this situation and ensure that the unique and particular interests of its members and of low-income consumers are adequately represented.
15. PCOC membership status is achieved through specific enrollment.

16. PCOC, as an advocacy membership organization, has authorized its Executive Director to take positions, and to intervene in proceedings, on behalf of PCOC and its members.
17. PCOC will fairly and adequately represent the interests of its members act in this proceeding.
18. Permitting PCOC to intervene in this proceeding will permit the consideration by the Commission of the interests of its members.
19. PCOC's membership and the perspective it brings to this proceeding is unique. The public interest will be served by incorporating these perspectives.
20. Commission procedures permit PCOC's participation in this proceeding. Section 5.72(a) of the Pennsylvania Code provides:
 - (a) Persons. 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. The right or interest may be one of the following:
 - (1) A right conferred by statute of the United States or of the Commonwealth.
 - (2) An interest 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.
 - (3) Another interest of such nature that participation of the Petitioner may be in the public interest.³

³ 52 Pa. Code §5.72(a).

21. The Commission's Rules of Administrative Practice and Procedure are broad and are to be liberally construed.
- (a) This subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.⁴
22. Authorization of participation by a party within a specific proceeding is within the appropriate discretionary authority of the Commission.
23. Participation in this proceeding by PCOC on behalf of its members is appropriate, expeditious and cost efficient for both PCOC members and for the Commission.
24. The Electricity Generation Customer Choice and Competition Act states, inter alia:
- a. "The commission shall ensure continuation of safe and reliable electric service to all consumers in the Commonwealth."⁵;
 - b. "Customer services shall, at a minimum, be maintained at the same level of quality under retail competition."⁶; and
 - c. "The commission shall ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory. The commission shall encourage the use of community-based organizations that have the necessary technical and administrative experience to be the direct providers of services or programs which reduce energy consumption or otherwise assist low-income customers to afford electric service. Programs under this paragraph shall be subject to the administrative oversight of the commission, which shall ensure that the programs are operated in a cost-effective manner."⁷

⁴ 52 Pa. Code § 1.2.

⁵ 66 Pa.C.S. § 2804(1)

⁶ 66 Pa.C.S. § 2807(d)

⁷ Id. at § 2804(9).

25. The Commission has indicated that participation by ratepayers, both low income and those who are not, should be accommodated within the proceedings regarding individual Universal Service Plan Filings. PCOC membership includes both. The Commission has stated:

Almost all of the commenting parties agree that the interests of paying customers who are not beneficiaries of CAP programs should be considered when the Commission makes decisions on funding levels. We believe the Commission must ensure that ratepayer interests are considered by listing this as an additional factor in the CAP policy statement. Further steps to ensure that the interests of paying customers are considered in decisions regarding CAP programs are described below.

Because we will continue to determine appropriate funding and enrollment levels on a case-by-case basis, we will give due consideration to the effects of CAP program costs on both non-CAP residential customers – particularly low-income customers who are not eligible for CAP - and nonresidential customers as part of our deliberation.⁸

26. The Commission cited its Final Investigatory Order in its Proposed Revision to Policy Statement on Customer Assistance Programs, 52 Pa. Code §§ 69.261-69.267:

(1) CAP funding decisions should include the consideration of the interests of all customers, including those not enrolled in CAP programs, and previous CAP funding decisions regarding other similar utilities⁹;

27. The Commission has a statutory obligation to ensure the continuance of reliable service; to, at a minimum, continue the level and nature of the consumer protections, policies, and services; and to ensure universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory. PCOC submits these obligations provide the grounds

⁸ Final Investigatory Order, Customer Assistance Programs and Cost Recovery Levels, Docket No. M-00051923, (Order entered December 18, 2006.)

⁹ Docket No. M-00072036, Order entered, September 5, 2007

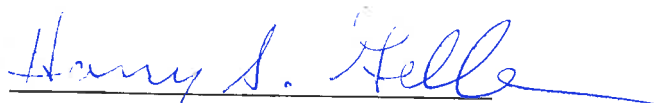
upon which PCOC may Petition to Intervene in this proceeding, a proceeding in which the availability and funding of universal service and energy conservation policies, activities, and services will be scrutinized and a proceeding in which the continuance and reliability of service to low and lower income households will be a central feature.

28. The Commission's Rules of Administrative Practice and Procedure are broad and are to be liberally construed.¹⁰
29. The Petitioners are represented by the Pennsylvania Utility Law Project. Attorneys for receiving service of all documents in this proceeding are:

Harry S. Geller, Esq.
Julie George, Esq.
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118 Locust Street, Harrisburg, PA, 17101
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WHEREFORE, PCOC respectfully requests that the Administrative Law Judge Susan D. Colwell permit and grant this additional Amended Petition to Intervene and Supplemental Matter in response to the Answer of PPL to the PCOC Amended Petition to intervene and make such other orders as are just and appropriate.

Respectfully submitted,



Harry S. Geller, Esq.

¹⁰ 52 Pa. Code § 1.2.

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Dated: December 2, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PPL Electric Utilities Corporation :
Universal Service and Energy : **Docket No. M-2010-2179796**
Conservation Plan for 2011 through :
2013

VERIFICATION

I, Craig Robbins, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) 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 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date:

12/1/2010

Signature:



Craig Robbins
Executive Director
Pennsylvania Communities Organizing for Change, Inc.
d/b/a ACTION United
846 North Broad Street - 2nd Floor
Philadelphia, PA 19130